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OFFICE OF MANAGEMENT AND BUDGET

5 CFR Parts 1301 and 1312

Classification, Downgrading, Declassification and Safeguarding of National Security Information

AGENCY: Office of Management and Budget.

ACTION: Final rule.

SUMMARY: The Office of Management and Budget is amending the existing regulations in 5 CFR Part 1312—Classification, Downgrading, Declassification and Safeguarding of National Security Information to comply with the procedural requirements of Executive Order 12356, "National Security Information." 5 CFR Part 1301—Classification and Declassification of Information and Material is being removed.

The amendments are necessary in order to identify Executive Order 12356 and the Information Security Oversight Office's (ISOO) Directive No. 1 as the basis for these regulations and to amend part 1312 as to the mandatory review for declassification procedures and the titles of those with original classification authority. Section 1312.32 informs members of the public of the procedures to be followed in submitting requests for mandatory review for declassification and establishes internal processing procedures for such requests.

EFFECTIVE DATE: July 13, 1990.

FOR FURTHER INFORMATION CONTACT: Darrell Johnson, Assistant Director for Administration, Executive Office of the President, Room 9026, New Executive Office Building, Washington, DC 20500, (202) 395–7250

SUPPLEMENTARY INFORMATION:

Background

Executive Order 12356, "National Security Information," effective April 2, 1982, requires that agencies which handle classified information promulgate regulations identifying the information to be protected, prescribe classification, downgrading, declassification, and safeguarding procedures, and establish a monitoring system to ensure compliance. The Office of Management and Budget initially published regulations on information security in 1972 (5 CFR part 1301) and then again in 1979 (5 CFR part 1312) without deleting the earlier regulations. Part 1301 is being deleted to avoid duplication and part 1312 is being amended to conform with the requirements of Executive Order 12356 on the mandatory review for declassification of information. Additionally, several titles of those with initial classification authority have changed since part 1312 was first published, and the current titles are being listed.

Waiver of Proposed Rulemaking

Publication of this document as a proposed rule for public comment is not required under 5 U.S.C. 553(b)(A) since the regulations relate only to agency procedures.

Further, since these regulations are not substantive, they do not require a delayed effective date under 5 U.S.C. 553(d).

Executive Order 12291

These regulations have been reviewed in accordance with Executive Order 12291. They are classified as non-major because they do not meet the criteria established in the Order for major regulations.

List of Subjects in 5 CFR Parts 1301 and 1312

Classified information.

For the reasons set out in the preamble, chapter III of title 5 of the Code of Federal Regulations is amended as follows:

Part 1301 is removed.

Part 1312—Classification, Downgrading, Declassification and Safeguarding of National Security Information

1. The authority citation for part 1312 is revised to read as follows:

Authority: Executive Order 12356, 47 FR 14874, 3 CFR, 1982 Comp., p. 166 as implemented by Information Security Oversight Office Directive No. 1, 47 FR 27836, June 25, 1982.

§ 1312.1 [Amended]

2. In § 1312.1, the last sentence is revised to read as follows: "It is issued under authority of Executive Order 12356 (47 FR 14874, 3 CFR 1982 Comp., p. 166) as implemented by Information Security Oversight Office Directive No. 1 (47 FR 27836, June 25, 1982) and is applicable to all OMB employees."

3. In § 1312.5, paragraphs (a), (b), and (c) are revised to read as follows:

§ 1312.5 Authority to classify.

* * * * *

(a) Top Secret and below:

(1) Deputy Director.

(2) Executive Associate Director.

(3) Associate Director for National Security and International Affairs (AD/NSIA).

(4) Associate Director for Natural Resources, Energy and Science (AD/NRES).

(5) Deputy Associate Director for National Security (DAD/NS).

(b) Secret and below:

(1) Deputy Associate Director for International Affairs (DAD/IA).

(2) Deputy Associate Director for Special Studies, National Security, and International Affairs (DAD/SS/NSIA).

(3) Deputy Associate Director for Energy and Science (DAD/ES).

(4) Deputy Associate Director for Special Studies, Natural Resources, Energy and Science (DAD/SS/NRES).

(c) Confidential: Deputy Division Chief for National Security.

* * * * *

4. Section 1312.32 is revised to read as follows:

§ 1312.32 Responsibility.

Requests for mandatory review of national security information must be in writing and addressed to the Security Officer, Office of Management and Budget, Executive Office of the President, Washington, DC 20503. The

Office of Management and Budget Security Officer will acknowledge receipt of and monitor all such requests. When a request does not reasonably describe the information sought, the requestor will be notified that unless additional information is provided or the scope of the information is narrowed, no further action will be taken.

Darrell A. Johnson,

Assistant Director for Administration, Office of Management and Budget.

[FR Doc. 90-16043 Filed 7-12-90; 8:45 am]

BILLING CODE 3110-01-M

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 51

[Docket No. FV-88-205]

Shelled Pistachio Nuts; Grade Standards

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This rule establishes voluntary United States Standards for Grades of Shelled Pistachio Nuts. The California Pistachio Association, an industry group, has requested the U.S. Department of Agriculture develop these standards. One purpose of the standards would be to provide a common trading language for this product. The Agricultural Marketing Service (AMS), in cooperation with industry and other interested parties, develops and maintains current U.S. grade standards.

EFFECTIVE DATE: August 13, 1990.

FOR FURTHER INFORMATION CONTACT: Thomas G. Gambill, Fresh Products Branch, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, P.O. Box 96456, Washington, DC 20090-6456, (202) 447-5024.

SUPPLEMENTARY INFORMATION: This rule has been reviewed by the Department in accordance with Departmental Regulation 1512-1 and the criteria contained in Executive Order 12291 and has been designated as "nonmajor" under criteria contained therein.

Pursuant to the requirements set forth in the Regulatory Flexibility Act, the Administrator of AMS has determined that this action will not have a significant economic impact on a substantial number of small entities. This rule for establishment of U.S. Standards for Grades of Shelled Pistachio Nuts will not impose substantial direct economic cost, recordkeeping, or personnel workload changes on small entities, and will not alter the market share or competitive position of these entities relative to large businesses. In addition, under the Agricultural Marketing Act of 1946, the application of these standards is voluntary, so members of the pistachio nut industry need not have their product certified under these standards, thereby incurring no costs at all.

The proposed rule, United States Standards for Grades of Shelled Pistachio Nuts (7 CFR 51.2555-51.2562), was published in the **Federal Register** on June 14, 1989 (54 FR 25281-25283). In addition, on January 24, 1990, a modified proposed rule was published in the **Federal Register** 55 FR 2383-2386. The U.S. Department of Agriculture (USDA) developed the proposal at the request of the California Pistachio Association, now the Western Pistachio Association (hereinafter the Association), a trade association representing a cross section of growers, shippers, and other industry members who market pistachios in the United States.

While the Association in 1981 first asked USDA to develop U.S. Standards for Grades of Pistachio Nuts in the Shell (that standard was published in 1986), it intended to eventually request the development of standards for shelled pistachios. In 1988, the California Pistachio Association requested the USDA develop U.S. Standards for Grades of Shelled Pistachio Nuts based on a proposal developed by the Association's Grades and Standards Committee.

The Association observed that the demand for pistachio kernels is constantly increasing, both as a whole nutmeat or in a chopped form. According to the California Pistachio Commission, 1,721,755 pounds of nutmeats were imported from major countries in the crop year 1986-87. During this same period U.S. shipments (those nutmeats grown and harvested in the United States) included 3,881,074 pounds shipped domestically and 628,560 pounds being exported for a total of 4,509,634 pounds.

Five of the eight comments received in response to the notice of proposed rulemaking were completely in favor. These comments were from a grower/distributor, a trade association, and three Federal Supervisors who oversee fresh produce grading operations by federally licensed state inspectors.

Of the other three comments, one grower who favored the proposal requested a further explanation of the proposed definition of rancidity. There was a typographical error at that point in the **Federal Register** that was corrected in a later issue (FR Vol. 54, No. 139 published Friday, July 21, 1989, page 30632). This correction eliminates the need for further explanation.

Two responses received from Federal Supervisors supported the proposal except for a section entitled "Qualifying Terms" which defined "salted," "roasted," and "raw." By placing these three terms in the "Qualifying Terms" section, they felt AMS would be required to actually certify whether the nuts were salted, roasted, or raw, which is beyond the normal means of the inspection service. AMS considered this and agreed. The U.S. Standards for Grades of Shelled Pistachio Nuts were developed so that they could be applied to nuts in any state, and it was never intended that the standards be used to determine and certify whether the nuts were raw or had been salted or roasted. Therefore, these qualifying terms were eliminated.

Additionally, upon review within the Agency, we discovered inconsistencies within the "Size" section of the proposal. No minimum size had been designated as a requirement for any of the grades. A receiver could order a lot of U.S. Fancy nutmeats expecting whole kernels yet be shipped small pieces. Therefore to eliminate such misunderstanding, the final rule specifies that for all grades kernels must meet the size classification of "Whole Kernels," unless otherwise specified. This requirement further standardizes and strengthens the grades, but does not limit the grades because any other size may be specified in connection with the grade.

We also determined that the size classification "Whole and Broken Kernels" had no definition for a broken kernel. In order for the size classifications to be consistent this classification was renamed "Whole and Pieces" and a definition of the word "pieces" was added to § 51.2560 Definitions.

Also, both pieces size classifications, "Large Pieces" and "Small Pieces," provided no tolerance for an occasional whole kernel being present in the lot; one whole kernel would cause an entire "pieces" lot, for example to fail to meet the size requirements. To address this, AMS added a three percent tolerance for whole kernels to each "pieces" grade.

Lastly, no provision had been made for lots which did not meet any of the four size classifications. If a lot had 30 percent whole kernels and the remainder pieces, for example, it would not fit into any size classification. Consequently, a fifth section was added

to the size classification to allow any specified combination of whole kernels and pieces. Not more than 5 percent of the total sample would be allowed to pass through a 5/64 inch round opening.

On January 24, 1990, a modified proposed rule was published in the Federal Register incorporating all these changes (55 FR 2383–2386). Six timely comments were received. (Three more were received after the close of the comment period.)

All six comments were in favor of the modified proposal provided there are additional changes. Five requested that the tolerance for whole kernels allowed in the "Large Pieces" classification be increased from three percent to between percentages ranging from 20 to 40 percent, with most of the comments suggesting 25 percent or in that range. AMS agrees that based on current marketing practices, this tolerance should be increased to 25 percent.

In addition to this change, one of the five comments also requested that we do not use the "Mixed sizes" classification. They asserted that this classification has no similarity to any products currently being marketed and the ultimate outcome of having the Mixed Size category would be to keep the purchases of California Shelled Pistachio Kernels on a "as per sample" basis and would further hinder their objectives of purchasing and selling pistachios on a USDA Grade and Size classification basis.

AMS has considered this comment and disagrees. First, without this classification there would be gaps in the size classification section. That was precisely why this classification was added. Secondly, with the other revisions to the size section the standards would now require that, unless otherwise specified, all grades must meet the classification of whole kernels. This requirement in itself should help standardize the purchasing and selling of pistachios based on U.S. standards. Therefore, AMS has decided to maintain the size classification "Mixed Sizes."

Finally, one comment was in favor of the modified proposal but pointed out that several references in the supplementary information section incorrectly referred to the California Pistachio Commission initiating the proposal. It was the California Pistachio Association, now the Western Pistachio Association, which had requested the proposal. This comment has merit. Accordingly, the supplementary information section of this docket correctly reflects this name designation as appropriate. In addition, the other changes we have noted have been added to this final rule.

AMS, in cooperation with industry and other interested parties, develops standards of quality, condition, grade, and packaging in order to encourage uniformity and consistency in commercial practices. The Agency has determined this final rule would enhance the marketing of shelled pistachio nuts in accordance with the provisions of the Agricultural Marketing Act of 1946 (7 U.S.C. 1621 *et seq.*). The provisions of this final rule are the same as those in the modified proposed rule except for minor changes made for clarity and those noted above. In addition, the authority citation for part 51 has been changed to reflect the citation that now appears in the Code of Federal Regulations.

List of Subjects in 7 CFR Part 51

Agricultural commodities, Food grades and standards, Fruits, Nuts, Reporting and recordkeeping requirements, and Vegetables.

PART 51—[AMENDED]

For reasons set forth in the preamble, 7 CFR part 51 is amended as follows:

1. The authority citation for 7 CFR part 51 continues to read as follows:

Authority: Secs. 203, 205, 60 Stat. 1087, as amended, 1090 as amended; 7 U.S.C. 1622, 1624, unless otherwise noted.

2. By adding a new subpart, Subpart—United States Standards for Grades of Shelled Pistachio Nuts, as follows:

* * * * *

Sec.

51.2555 General.
51.2556 Grades.
51.2557 Tolerances.
51.2558 Application of tolerances.
51.2559 Size classifications.
51.2560 Definitions.
51.2561 Average moisture content.

§ 51.2555 General.

(a) Compliance with the provisions of these standards shall not excuse failure to comply with provisions of applicable Federal or State laws.

(b) These standards are applicable to raw, roasted, or salted pistachio kernels; or any combination thereof. However, nuts of obviously dissimilar forms shall not be commingled.

§ 51.2556 Grades.

(a) "U.S. Fancy," "U.S. No. 1," and "U.S. No. 2" consist of pistachio kernels which meet the following basic requirements:

(1) Well dried, or very well dried when specified in connection with the grade.

(2) Free from:

(i) Foreign material, including in-shell nuts, shells, or shell fragments.

(3) Free from damage by:

(i) Minor mold;

(ii) Immature kernels;

(iii) Spotting; and,

(iv) Other defects.

(4) Free from serious damage by:

(i) Mold;

(ii) Minor insect or vertebrate injury;

(iii) Insect damage;

(iv) Rancidity;

(v) Decay; and,

(vi) Other defects.

(5) Unless otherwise specified, kernels shall meet the size classification of Whole Kernels (See § 51.2559).

§ 51.2557 Tolerances.

(a) In order to allow for variations incident to proper grading and handling, the tolerances, by weight, in Table I are provided.

TABLE I

Percent	Factors (Tolerances by weight)		
	U.S. fancy	U.S. No. 1	U.S. No. 2
(a) Damage	2.0	2.5	3.0
(b) Serious Damage	1.5	2.0	2.5
(1) Insect Damage (included in [b])	.3	.4	.5
(c) Foreign Material	.03	.05	.1

§ 51.2558 Application of tolerances.

The tolerances for the grades apply to the entire lot and shall be based on a composite sample representative of the lot. Any container or group of containers which have kernels obviously different in quality or size from those in the majority of containers shall be considered a separate lot and shall be sampled separately.

§ 51.2559 Size classifications.

(a) The size of pistachio kernels may be specified in connection with the grade in accordance with one of the following size classifications.

(1) Whole Kernels: 80 percent or more by weight shall be whole kernels and not more than 5 percent of the total sample shall pass through a 19/64 inch round opening, including not more than 1 percent of the total sample shall pass through a 5/64 inch round opening.

(2) Whole and Pieces: 40 percent or more by weight shall be whole kernels and not more than 15 percent of the total sample shall pass through a 19/64 inch round opening, including not more than

2 percent of the total sample shall pass through a 5/64 inch round opening.

(3) Large Pieces: Portions of kernels of which not more than 10 percent will remain on a 25/64 inch round opening, provided that not more than 20 percent of the total sample shall pass through 16/64 inch round opening, including not more than 2 percent of the total sample shall pass through a 5/64 inch round opening. Not more than 25 percent of the total sample shall be whole kernels.

(4) Small Pieces: Portions of kernels of which not more than 10 percent will remain on a 16/64 inch round opening, provided that not more than 3 percent of the total sample shall pass through 5/64 inch round opening. Not more than 3 percent of the total sample shall be whole kernels.

(5) Mixed sizes: Means a mixture of any combination of whole kernels or pieces. The percentage of whole kernels and/or pieces may be specified. Not more than 5 percent of the total sample shall pass through a 5/64 inch round opening.

§ 51.2560 Definitions.

(a) *Well dried* means the kernel is firm and crisp.

(b) *Very well dried* means the kernel is firm and crisp and the average moisture content of the lot does not exceed 7 percent of lower levels, if specified (See § 51.2561).

(c) *Foreign material* means leaves, sticks, in-shell nuts, shells or pieces of shells, dirt, or rocks, or any other substance other than pistachio kernels. No allowable tolerances for metal or glass.

(d) *Whole kernel* means 3/4 of a kernel or more.

(e) *Pieces* means less than 3/4 of a kernel.

(f) *Damage* means any specific defect described in paragraph (f) (1) through (3) of this section or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects, which materially detracts from the appearance or the edible or marketing quality of the individual kernel or of the lot. (For tolerances, see § 51.2557, Table I.)

(1) *Minor white or gray mold* is mold that is not readily noticeable on the kernel and which can be easily rubbed off with the fingers.

(2) *Immature kernels* are excessively thin kernels.

(3) *Kernel spotting* refers to dark brown or dark gray spots aggregating more than one-eighth of the surface of the kernel.

(g) *Serious damage* means any specific defect described in pargraph g (1) through (5) of this section, or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects, which seriously detracts from the appearance or the edible or marketing quality of the individual kernel or of the lot. (For tolerances see § 51.2557 Table I.)

(1) *Mold* which is readily visible on the kernel.

(2) *Minor insect or vertebrate injury* means the kernel shows conspicuous evidence of feeding on the kernel.

(3) *Insect damage* is an insect, insect fragment, web, or frass attached to the kernel. No live insects shall be permitted.

(4) *Rancidity* means the kernel is distinctly rancid to taste. Staleness of flavor shall not be classed as rancidity.

(5) *Decay* means any portion of the kernel is decomposed.

§ 51.2561 Average moisture content.

(a) Determining average moisture content of the lot is not a requirement of the grades, except when kernels are specified as "very well dried." It may be carried out upon request in connection with grade analysis or as a separate determination.

(b) Kernels shall be obtained from a randomly drawn composite sample. Official certification shall be based on the air-oven method or other officially approved methods or devices. Results obtained by methods or devices not officially approved may be reported and shall include a description of the method or device and owner of any equipment used.

Dated: July 9, 1990.

Kenneth C. Clayton,

Acting Administrator.

[FR Doc. 90-16432 Filed 7-12-90; 8:45 am]

BILLING CODE 3410-02-M

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7 CFR Part 918

[Docket No. FV-90-172 FR]

Expenses and Assessment Rate for Marketing Order Covering Fresh Peaches Grown in Georgia

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This final rule authorizes expenditures and establishes an assessment rate under Marketing Order 918 for the 1990-91 fiscal period which began March 1, 1990. This action authorizes the Georgia Peach Industry Committee (committee) to incur operating expenses during the 1990-91 fiscal period and collect funds during that period to pay those expenses. This action facilitates program operations. Funds to administer the program are derived from assessments on handlers.

EFFECTIVE DATE: Section 918.226 is effective for the period March 1, 1990 through February 28, 1991.

FOR FURTHER INFORMATION CONTACT: George Kelhart, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, room 2525-S, Washington, DC, 20090-6456; telephone (202) 475-3919.

SUPPLEMENTARY INFORMATION: This final rule is issued under Marketing Agreement and Marketing Order No. 918 (7 CFR part 918) regulating the handling of fresh peaches grown in Georgia. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), hereinafter referred to as the Act.

This rule has been reviewed by the Department in accordance with Departmental Regulation 1512-1 and the criteria contained in Executive Order 12291 and has been determined to be a "non-major" rule.

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Administrator of the Agricultural Marketing Service (AMS) has considered the economic impact of this rule on small entities.

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf. Thus, both statutes have small entity orientation and compatibility.

There are approximately 20 handlers of Georgia peaches regulated under this marketing order each season, and approximately 150 peach producers in Georgia. Small agricultural service firms are defined as those whose annual receipts are less than $3,500,000. Small agricultural producers have been defined by the Small Business Administration (13 CFR 121.2) as those having annual receipts of less than $500,000. The majority of the handlers and producers of Georgia peaches may be classified as small entities.

The Georgia peach marketing order, administered by the Department of Agriculture (Department), requires that the assessment rate for each fiscal year be applied to all assessable peaches handled from the beginning of such year. An annual budget of expenses is

prepared by the committee and submitted to the Department for approval. The members of the committee are producers of Georgia peaches. They are familiar with the committee's needs and with the costs for goods, services and personnel in their local areas and are thus in a position to formulate appropriate budgets. The budgets are formulated and discussed in public meetings. Therefore, all directly affected persons have an opportunity to participate and provide input.

The assessment rate recommended by the committee is derived by dividing anticipated expenses by expected shipments (in bushels) of Georgia peaches. Because that rate is applied to actual shipments, it must be established at a rate which will produce sufficient income to pay the committee's expected expenses. The budget and rate of assessment were recommended by the committee after the season began, and expenses are incurred on a continuous basis. Therefore, the budget and assessment rate approval must be expedited so that the committee will have funds to pay its expenses.

The committee met at the end of March 1990, and unanimously recommended 1990–91 fiscal period expenditures of $18,450 and an assessment rate of $0.005 per bushel of assessable peaches shipped under Marketing Order 918. In comparison, 1989–90 fiscal period expenditures were $12,810 and the assessment rate was $0.005. The 1990–91 budget exceeds last year's budgeted expenditures by 44 percent. Most of the increase covers the cost of a service contract ($10,000) with the Georgia Farm Bureau Marketing Association (GFBMA) to manage the program locally. Last year's management costs and office rent were budgeted at about $6,500. Also, a total of $2,000 is included to cover the costs expected to be incurred in attending a U.S. Department of Agriculture marketing order conference this fall. The total budget is intended for program administration and all other items are budgeted at last year's amounts.

Assessment income is estimated at $6,597 for the 1990–91 fiscal period based on shipments of 1,319,391 bushels of fresh peaches. Interest on reserves and committee reserve funds as well as funds generated from the sale of office equipment not needed for the services contract will be utilized to cover the anticipated $11,853 deficit for the 1990–91 fiscal period. In the 1989–90 fiscal period, assessment income totalled $7,486 based on shipments of 1,497,200 assessable bushels of peaches. Reserve funds are within the amount authorized under the marketing order.

Notice of this action was published in the **Federal Register** on June 14, 1990 (55 FR 24094). Comments were invited until June 25, 1990. No comments were received.

While this action will impose some additional costs on handlers, the costs are in the form of uniform assessments on all handlers. Some of the additional costs may be passed on to producers. However, these costs will be significantly offset by the benefits derived from the operation of the marketing order. Therefore, the Administrator of the AMS has determined that this action will not have a significant economic impact on a substantial number of small entities.

After consideration of all relevant information provided including the committee's recommendation and other available information, it is found that this final rule will tend to effectuate the declared policy of the Act.

This final rule should be implemented promptly because the committee needs to have sufficient funds to pay its expenses which are incurred on a continuous basis. In addition, handlers are aware of this action which was recommended by the committee at a public meeting. Therefore, it is found that good cause exists for not postponing the effective date of this action until 30 days after publication in the **Federal Register** (5 U.S.C. 553).

List of Subjects in 7 CFR Part 918

Marketing agreements, Peaches, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 918 is amended as follows:

1. The authority citation for 7 CFR part 918 continues to read as follows:

Authority: Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

2. A new § 918.226 is added to read as follows:

PART 918—FRESH PEACHES GROWN IN GEORGIA

Note: This section will not be published in the annual Code of Federal Regulations.

§ 918.226 Expenses and assessment rate.

Expenses of $18,450 by the Georgia Peach Industry Committee are authorized, and an assessment rate of $0.005 per bushel of assessable peaches is established for the fiscal period ending February 28, 1991. Any unexpended funds may be carried over as a reserve into the fiscal period beginning March 1, 1991.

Dated: July 9, 1990.

William J. Doyle,

Associate Deputy Director, Fruit and Vegetable Division.

[FR Doc. 90–16434 Filed 7–12–90; 8:45 am]

BILLING CODE 3410–02–M

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7 CFR Part 929

[Docket No. FV–90–143FR]

Cranberries Grown in the States of Massachusetts, Rhode Island, Connecticut, New Jersey, Wisconsin, Michigan, Minnesota, Oregon, Washington, and Long Island in the State of New York; Amendment of Rules and Regulations; Increase in Base Quantity Reserve

AGENCY: Agricultural Marketing Service, Agriculture.

ACTION: Final rule.

SUMMARY: This final rule increases the base quantity reserve for the 1990–91 crop year from the required minimum of 2.0 percent to 2.39 percent of the total base quantities currently issued to cranberry producers, in order to update and expand base quantities for the benefit of producers. This action will help to facilitate the appropriate and equitable operation of the cranberry marketing order.

EFFECTIVE DATE: August 13, 1990.

FOR FURTHER INFORMATION CONTACT: Patricia A. Petrella, Marketing Specialist, Market Order Administration Branch, F&V, AMS, USDA, room 2525–S, P.O. Box 96456, Washington, DC 20090–6456; telephone: (202) 475–3920.

SUPPLEMENTARY INFORMATION: This final rule is issued under Marketing Order No. 929 (7 CFR part 929), as amended, regulating the handling of cranberries grown in 10 states. The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the "Act."

This final rule has been reviewed by the Department in accordance with Departmental Regulation 1512–1 and the criteria contained in Executive Order 12291 and has been determined to be a "non-major" rule.

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Administrator of the Agricultural Marketing Service (AMS) has considered the economic impact of this rule on small entities.

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that smalll businesses will not be unduly

or disproportionately burdened. Marketing orders issued pursuant to the Act, and rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf. Thus, both statutes have small entity orientation and compatibility.

There are approximately 30 handlers of cranberries subject to regulation under the cranberry marketing order and approximately 950 producers in the regulated area. Small agricultural producers have been defined by the Small Business Administration (13 CFR 121.2) as those having annual receipts for the last three years of less than $500,000, and small agricultural service firms are defined as those whose annual receipts are less than $3,500,000. The majority of handlers and producers of cranberries may be classified as small entities.

This final rule increases the reserve base quantity from the minimum 2.0 percent required by the order to 2.39 percent, in order to update and adjust producers' base quantities for the 1990–91 crop year. This action was unanimously recommended by the Cranberry Marketing Committee (Committee) at its March 8, 1990, meeting. The Committee is the agency responsible for local administration of the cranberry marketing order.

Each year prior to May 1, the Committee considers its marketing policy for the coming season and estimates a marketable quantity of cranberries. Such quantity is the amount of cranberries deemed necessary to meet the season's total market demand and provide for an adequate carryover of cranberries to the next season. If annual cranberry production is expected to exceed the desired marketable quantity, and, if the Secretary finds, based on a recommendation of the Committee or from other available information, that limiting the quantity of cranberries that may be purchased or handled on behalf of producers would tend to effectuate the declared policy of the Act, the Secretary shall determine and establish the marketable quantity for that crop year. The marketable quantity is then apportioned among all eligible producers by applying an allotment percentage to each producer's base quantity pursuant to § 929.48 of the order. The allotment percentage is established by the Secretary and equals the marketable quantity divided by the total of all producers' base quantities.

Such base quantities are issued to producers: (a) Based on their sales during the period 1968–69 through 1973–74; (b) as a result of transfers of base quantities from other producers; or (c) as part of an annual reserve of at least 2 percent of the total base quantities. The reserve is used annually for the issuance of base quantities to new producers and adjustments in base quantities for existing producers, with 25 percent made available for new growers and 75 percent made available for adjustments for existing producers. Any unallocated portion of the 25 percent available to new producers may, at the discretion of the Committee, be prorated among eligible existing producers on an equitable basis.

On March 8, 1990, the Committee held its annual winter meeting to formulate its marketing policy for the 1990–91 crop year. It determined that implementation of § 929.49 (the establishment of a marketable quantity and annual allotment) was not warranted. However, Committee members noted that cranberry production, as in recent years, was projected to exceed the total of all current producers' allotment bases. Therefore, they recommended that additional base be issued to all qualified new and existing producers to the full amount to which each producer requested, contingent on the producer's demonstrated ability to produce and sell cranberries. The increase will make additional base quantity available to new and existing producers by increasing the 2.0 percent minimum base quantity reserve, as currently provided, to 2.39 percent. This action will also aid in the updating of base quantities, which would be necessary for any future establishment of a marketable quantity and annual allotment.

The impact of this regulation on producers and handlers will not be significant because the change represents a relaxation of restrictions by increasing the total amount of base quantity available to producers. The amount of base quantity that will be issued represents the total amount of base quantity requested by qualified new and existing producers for the 1990–91 crop year. The Committee intends to distribute base quantity reserve to approximately six new producers and 335 existing producers.

A proposed rule on this action was published in the Federal Register on May 11, 1990 (55 FR 19741). Comments on the proposed rule were invited from interested persons until June 11, 1990. No comments were received.

After consideration of all relevant matter presented, including the Committee's recommendation and other available information, it is found that the changes hereinafter set forth will tend to effectuate the declared policy of the Act.

Based on the available information, the Administrator of the AMS has determined that issuance of this final rule will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 7 CFR Part 929

Cranberries, Marketing agreements, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 929 is amended as follows:

PART 929—CRANBERRIES GROWN IN THE STATES OF MASSACHUSETTS, RHODE ISLAND, CONNECTICUT, NEW JERSEY, WISCONSIN, MICHIGAN, MINNESOTA, OREGON, WASHINGTON, AND LONG ISLAND IN THE STATE OF NEW YORK

1. The authority citation for 7 CFR part 929 continues to read as follows:

Authority: Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

2. Section 929.153 is amended by revising paragraph (a) to read as follows:

Subpart—Rules and Regulations

§ 929.153 Base quantity reserve.

(a) *Establishment.* An annual reserve base quantity equal to 2 percent of total base quantities is hereby established: *Provided,* That for the 1990–91 crop year, the reserve base quantity shall be 2.39 percent.

* * * * *

Dated: July 9, 1990.

William J. Doyle,

Deputy Director, Fruit and Vegetable Division.

[FR Doc. 90–16431 Filed 7–12–90; 8:45 am]

BILLING CODE 3410–02–M

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7 CFR Part 946

[Docket No. FV–90–164]

Irish Potatoes Grown in Washington; Final Rule To Reduce Minimum Weight Requirement for Long Varieties

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This final rule reduces the minimum weight requirement for long varieties of Washington potatoes from 5 ounces to 4 ounces during the July 15 through August 31 period each season. Potato varieties currently being grown for the early market are longer and

slimmer than those previously grown for that market. These potatoes often have difficulty meeting the current minimum size requirement of 2⅛ inches in diameter or 5 ounces in weight. Reducing the minimum weight requirement will recognize the difference in shape of these newer varieties and enable handlers to market a larger portion of their crop in fresh outlets.

EFFECTIVE DATE: July 15, 1990.

FOR FURTHER INFORMATION CONTACT: Caroline C. Thorpe, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, room 2525–S, Washington, DC 20090–6456, telephone (202) 447–2020.

SUPPLEMENTARY INFORMATION: This rule is issued under Marketing Agreement No. 113 and Marketing Order No. 946, both as amended (7 CFR part 946), regulating the handling of Irish potatoes grown in Washington. The marketing agreement and order are authorized by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the Act.

This rule has been reviewed by the Department in accordance with Departmental Regulation 1512–1 and the criteria contained in Executive Order 12291 and has been determined to be a "non-major" rule.

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Administrator of the Agricultural Marketing Service (AMS) has considered the economic impact of this rule on small entities.

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf. Thus, both statutes have small entity orientation and compatibility.

There are approximately 55 handlers of Washington potatoes subject to regulation under the marketing order and approximately 520 producers in the production area. The Small Business Administration (13 CFR 121.2) has defined small agricultural producers as those having annual receipts of less than $500,000, and small agricultural service firms are defined as those whose annual receipts are less than $3,500,000. The majority of handlers and producers of Washington potatoes may be classified as small entities.

In recent years, annual potato production in Washington has averaged about 64 million hundredweight. About 85 percent of the crop is processed, and the remaining 15 percent is marketed in fresh outlets. Fresh shipments are comprised mainly of Russet Burbanks, Norgold Russets and Norkotah Russets, all of which are categorized as long varieties. Russet Burbanks, which account for about 65 percent of total fresh shipments, are harvested in the fall, with shipments beginning in September and continuing through the following June or early July. The largest shipments of Norgold Russets, Norkotah Russets and other early varieties are in July, August and September.

Handling requirements for fresh shipments of Washington potatoes are specified in 7 CFR 946.336 (46 FR 39117, July 31, 1981, as amended at 54 FR 27864, July 3, 1989, and 54 FR 41586, October 11, 1989). All varieties are required to grade at least U.S. No. 2. Long varieties are required to meet a minimum size requirement of 2⅛ inches in diameter or 5 ounces in weight from July 15 through August 31 each season, and 2 inches in diameter or 4 ounces in weight during the rest of the season.

At its meeting on April 24, 1990, the State of Washington Potato Committee (committee), the agency responsible for local administration of the marketing order, recommended reducing the minimum weight requirement for long varieties from 5 ounces to 4 ounces during the period July 15 through August 31, when early crop shipments are made. This would result in the same minimum weight requirement being in effect throughout the season.

When the current size requirements for long varieties were first established, the Norgold Russet was the primary variety being grown for the early market (i.e., the months of July and August). This variety is more round and blocky in shape than the Russet Burbank, the primary variety grown for the later market, and a larger minimum size requirement was appropriate. Additionally, the larger size requirement during the early part of the season was supported as a means of increasing demand for Washington potatoes during that period and to ensure that the early varieties were not harvested and shipped before they were fully mature.

However, several newer varieties are now being grown for the early market, such as the Norkotah Russet and Hilite Russet. These varieties have a more elongated and slimmer shape than the Norgold Russet. The shape of these varieties is more comparable to that of the Russet Burbank variety. Therefore, the committee recommended that the long variety potatoes marketed during the July 15 to August 31 period be subject to the same minimum weight requirement as those marketed later in the season. However, the committee recommended retaining the 2⅛ inch minimum diameter requirement for long varieties marketed during the period July 15 through August 31 since a significant quantity of Norgold Russet potatoes are still being grown for the early market.

In recent years, other production areas have also started growing these new early season varieties and are now competing in the same markets as Washington potatoes. The committee recommended reducing the minimum weight requirement to help early season shippers meet competition from other producing areas without a general lowering of quality which would ultimately work against the Washington potato industry. This action also makes the minimum weight requirement of 4 ounces the same for all Washington potato shippers throughout the marketing season.

Therefore, § 946.336(a)(2)(ii) is being revised to reduce the minimum weight of long varieties of early season potatoes from 5 ounces to 4 ounces. A conforming change is being made in paragraph (a)(2)(iii) with respect to tolerances.

A proposed rule was published in the June 20, 1990, **Federal Register** (55 FR 25137) and afforded interested persons until July 2, 1990, to submit written comments. No comments were received.

Based on the above, the Administrator of the AMS has determined that this action will not have a significant economic impact on a substantial number of small entities.

After consideration of all relevant matter presented including the information and recommendations submitted by the committee, and other available information, it is hereby found that the rule, as hereinafter set forth, will tend to effectuate the declared policy of the Act.

It is further found that good cause exists for not postponing the effective date of this rule until 30 days after publication in the **Federal Register** (5 U.S.C. 553) because: (1) The shipping season is expected to begin in early July and this rule, in order to be of maximum benefit to producers, should apply to shipments beginning July 15; and (2) this action relaxes a size requirement.

List of Subjects in 7 CFR Part 946

Marketing agreements, Potatoes, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 946 is amended as follows:

PART 946—IRISH POTATOES GROWN IN WASHINGTON

1. The authority citation for 7 CFR part 946 continues to read as follows:

Authority: Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

2. Part 946 is amended by revising paragraphs (a)(2) (ii) and (iii) as follows:

Note: This section will appear in the annual Code of Federal Regulations.

§ 946.336 Handling regulation.

* * * * *

(a) * * *

(2) * * *

(ii) *Long varieties*—All long varieties must be 2⅛ inches (54.0 mm) in minimum diameter or 4 ounces minimum weight during July 15 through August 31 each season, and 2 inches (50.8 mm) or 4 ounces during the remainder or each season, except that the White Rose variety from District 5 must be at least 1⅞ inches in diameter throughout each season.

(iii) *Tolerances*—The tolerances for size contained in the U.S. Standards for Grades of Potatoes shall apply, except that for long varieties of potatoes packaged in other than 50-pound cartons and which are packed to meet a minimum size and weight of 2⅛ inches or 4 ounces, a 3-percent tolerance for undersize shall apply.

* * * * *

Dated: July 10, 1990.

William J. Doyle,

Associate Deputy Director, Fruit and Vegetable Division.

[FR Doc. 90–16472 Filed 7–12–90; 8:45 am]

BILLING CODE 3410–02–M

SMALL BUSINESS ADMINISTRATION

13 CFR Part 123

[Rev. 11, Amt. 12]

Disaster—Physical Disaster and Economic Injury Loans

AGENCY: Small Business Administration.

ACTION: Interim final rule.

SUMMARY: This interim amendment promulgated pursuant to section 5(b)(6) of the Small Business Act, 15 U.S.C. 634(b)(6) and 13 CFR 123.1(b), removes from the present definition of ineligible losses described in paragraph (b)(4) under "Eligible Physical Loss" in 13 CFR 123.3 disaster losses formerly ineligible for assistance due to location of the damaged property within a flowage easement or between a river and its levee. Recent experience has shown that the example leads to unfair results. As hereby amended, the definition of eligible physical loss, 13 CFR 123.3, in its paragraph (b)(4) makes ineligible a physical loss, irrespective of the location of the damaged property, when the victim is deemed to have assumed the risk, for example, where required insurance was not purchased, or was purchased and not maintained. SBA invites comments to the address listed below. These comments will be considered when the regulation is finalized.

DATES: *Effective date:* April 1, 1990. Comments will be accepted until August 13, 1990.

ADDRESSES: Small Business Administration, 1441 L Street, NW., room 820, Washington, DC 20416.

FOR FURTHER INFORMATION CONTACT: Alfred E. Judd, Acting Assistant Administrator for Disaster Assistance (Telephone (202) 653–6879).

SUPPLEMENTARY INFORMATION: 13 CFR 123.1(b) states that because of the emergency nature of the disaster assistance programs, and the unforseen contingencies arising therefrom, the disaster assistance regulations are subject to change without advance notice by publication of interim regulations. Such an unforseen contingency has recently arisen.

The regulation, as presently in effect, defines "Eligible Physical Loss" in 13 CFR 123.3, the definition section, and lists among ineligible losses:

* * *(b)(4) When the victim is deemed to have assumed the risk (for example, when property is located within a flowage easement, or in an area between a river and a levee without a business need therefor) or where flood insurance was previously required but not purchased, or was purchased and not maintained * * *

The wisdom of the parenthetical clause must now be questioned. Under this clause, properties may be disqualified from disaster assistance by reason of their location, the legal effect of which was unknown to the owners and to SBA. The discovery of the ineligibility in the wake of a disaster compounds its catastrophic effect. Moreover, this ineligibility conflicts with the standards of other Federal disaster programs and is inconsistent with the National Flood Insurance Program.

Accordingly, SBA has determined that the parenthetical phrase should be omitted. So revised, the assumption of risk would be evidenced by the omission of a required act, such as failure to purchase or to maintain insurance. See, for example, 13 CFR 116.11(a) which requires flood insurance from the recipient of SBA construction assistance. See also 13 CFR 120.103–2(e).

Accordingly, this regulation conforms the eligibility for SBA disaster loans to the standards of the National Flood Insurance Program in assessing the risk of flood loss and mitigating against future flood loss. Thus, disaster victims seeking SBA disaster loan assistance whose property is located between a river and a levee or in a flowage easement will be subject to the same restrictions as disaster victims located in any other area of flood risk. Prior to disbursement of any loan funds by SBA, all recipients of SBA disaster loans whose property is located in a special flood hazard area are required to purchase and maintain flood insurance available under the National Flood Insurance Act of 1968. See 13 CFR 123.14. This change also makes eligibility for SBA disaster assistance consistent with eligibility for disaster assistance programs administered by the Federal Emergency Management Agency.

In order to make the benefits of this regulation applicable to the disasters in Arkansas and Texas which brought the deficiency of the regulation to light, it is necessary to make this change retroactive to the commencement of these disasters. This regulation is therefore effective April 1, 1990.

In view of the promulgation of this rule without opportunity for prior comments, SBA invites comments now, and will consider these comments before the rule is finalized.

Compliance with Executive Order 12291 and 12612, and the Regulatory Flexibility and Paperwork Reduction Acts

SBA has determined that these regulations do not constitute a major rule for purposes of Executive Order 12291 because they would not have an annual impact on the national economy of $100 million or more. In this regard, we estimate that this regulatory change will affect not more than 40 additional disaster loans aggregating $560,000 in any one year.

SBA certifies that this regulatory change has no Federalism implications warranting the preparation of a Federalism Assessment in accordance with Executive Order 12612.

For the purpose of compliance with the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, these regulations may have a significant economic impact on a substantial number of small entities. We have indicated above the estimated number of loans affected each year, and

their aggregate amount. The following analysis is provided within the context of the review prescribed by the Regulatory Flexibility Act (5 U.S.C. 603).

1. This rule is needed to prevent iniquities unexpectedly resulting from the present rule in disaster situations where the damaged property is located within a flowage easement, or between a river and a levee, and no insurance requirement was violated.

2. The legal basis for this rule is section 5(b)(6) of the Small Business Act, 15 U.S.C. 634(b)(6).

3. The objective of this regulation is to make the location of a damaged property irrelevant to the eligibility of such property for disaster assistance.

4. SBA estimates that this regulation change will make possible an additional forty loans averaging $14,000 each year.

5. As stated above, a failure to adopt this rule would result in iniquities for certain disaster victims.

6. This rule is not likely to cause an increase in costs for consumers, individual industrial, Federal, State or local government agencies, or geographic regions, or have adverse effects on competition, employment, investment, productivity, innovation, or on the ability of U.S. based businesses to compete with foreign-based businesses in domestic or export markets.

7. For purposes of the Paperwork Reduction Act, 44 U.S.C., ch. 35, SBA certifies that this rule does not impose any reporting or recordkeeping requirement.

List of Subjects in 13 CFR Part 123

Disaster assistance, Loan programs/business, Small businesses.

Accordingly, 13 CFR part 123 is amended as follows:

1. The authority citations for part 123 continues to read as follows:

Authority: Sections 5(b)(6), 7 (b), (c), (f) of the Small Business Act, 15 U.S.C. 634(b)(6); 636 (b), (c), (f); Pub. L. 100-590.

§ 123.3 [Amended]

2. Section 123.3 *Definitions* is amended by revising (b)(4) of the definition of *Eligible Physical Loss* to read as follows:

* * * * *

Eligible Physical Loss: (a) * * *

(b) * * *

(4) When the victim is deemed to have assumed the risk (for example, when flood insurance, hazard insurance or similar insurance was previously required but not purchased, or was purchased and not maintained);

* * * * *

Dated: July 5, 1990.

Susan Engeleiter,

Administrator.

[FR Doc. 90-16338 Filed 7-10-90; 4:05 pm]

BILLING CODE 8025-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 90-CE-08-AD; Amdt. 39-6655]

Airworthiness Directives; Hoffmann Aircraft GmbH Model Dimona H-36 Gliders

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD), applicable to Hoffmann Aircraft GmbH Dimona H-36 gliders, that requires a visual inspection to check for the correct distance between the main bolts and the bulkhead bushings in the wing spar tunnel, and repair, as necessary. This action is prompted by the discovery of measurement differences in this area. This condition, if not corrected, can compromise the structural integrity of the wing attachments.

EFFECTIVE DATE: August 20, 1990.

COMPLIANCE: Required within the next 50 hours time-in-service after the effective date of this AD.

ADDRESSES: Service Bulletin No. 24, dated May 4, 1988, and Work Instruction No. 9, applicable to this AD, may be obtained from Hoffmann Aircraft GmbH, Richard-Neutra-Gasse 5, 1210 Wein, Austria. This information may also be examined at the FAA, Central Region, Office of the Assistant Chief Counsel, room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: Mr. Heinz Hellebrand, Brussels Aircraft Certification Office, FAA, c/o American Embassy, 15 Rue de la Loi B1040, Brussels, Belgium; Telephone 322-513.38.30 extension 2718; or Herman C. Belderok, Small Airplane Directorate, Aircraft Certification Service, FAA, 601 East 12th Street, room 1544, Kansas City, Missouri 64106; Telephone (816) 426-6932; Facsimile (816) 426-2169.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations to include an AD requiring a visual inspection and measurement to check the distance between the main bolts and the bulkhead bushings in the wing spar tunnel on certain Hoffmann Aircraft GmbH Model Dimona H-36 gliders, was published in the Federal Register on February 28, 1990 (55 FR 7001). The proposal resulted from reports that the main bolts in the wing spar tunnel on Hoffmann Model Dimona H-36 gliders, installed during manufacture, may be too short. This can result in very high pressures in the associated bushings which can significantly alter the loads and load path in the wing support structure, and compromise the structural integrity of the wing attachments. Consequently, Hoffmann Aircraft GmbH, the manufacturer issued Service Bulletin Number 24, dated May 4, 1988, which recommends a visual inspection and measurement to check the distance between the main bolts and the bulkhead bushings in the wing spar tunnel, and repair as necessary. The Bundesamt fur Zivilluftfahrt (BAZ), which has responsibility and authority to maintain the continuing airworthiness of these gliders in Austria, classified this Service Bulletin and the actions recommended therein by the manufacturer as mandatory to assure the continued airworthiness of the affected gliders. On gliders operated under Austrian registration, this action has the same effect as an AD on gliders certified for operation in the United States. The FAA relies upon the certification of the BAZ, combined with FAA review of pertinent documentation, in finding compliance of the design of these gliders with the applicable United States airworthiness requirements and the airworthiness and conformity of products of this design certificated for operation in the United States. The FAA examined the available information related to the issuance of Service Bulletin Number 24, dated May 4, 1988, and the mandatory classification of this Service Bulletin by the BAZ, and concluded that the condition addressed by this Service Bulletin was an unsafe condition that may exist on other gliders of this type certificated for operation in the United States. Accordingly, the FAA proposed an amendment to part 39 of the Federal Aviation Regulations to include an AD on this subject. Interested persons have been afforded an opportunity to comment on the proposal. No comments or objections were received on the proposal or on the FAA determination of the related cost to the public. The appropriate manufacturer's document list has been expanded to include the manufacturer's Work Order No. 9, applicable to the referenced Service Bulletin No. 24, to prevent delay or the obtaining of only a partial data package. Accordingly, the proposal is

being adopted without substantive change.

The FAA has determined that this regulation involves 5 gliders at an approximate one-time cost of $55 for each glider, or a total fleet cost of $275. The cost of compliance with the proposed AD is so small that the expense of compliance will not be a significant financial impact of any small entities operating these gliders.

The regulations adopted herein will not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Therefore, I certify that this action (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the final evaluation prepared for this action is contained in the regulatory docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption "ADDRESSES".

List of Subjects in 14 CFR 39

Air transportation, Aircraft, Aviation safety, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR 329.13) as follows:

PART 39—[AMENDED]

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new AD:

Hoffmann Aircraft GmbH: Applies to Model H-36 DIMONA (all serial numbers) gliders, certificated in any category.

Compliance: Required within the next 50 hours time-in-service after the effective date of this AD, unless already accomplished. To insure the continued structural integrity of the wing attachments, accomplish the following:

(a) Visually inspect and measure the distance between the main bolt heads, the bulkhead bushings, and the back face of the main bulkhead in the wing spar tunnel in accordance with the instructions and criteria specified in Hoffmann Aircraft GmbH Service Bulletin Number 24, dated May 4, 1988. If any discrepancies are noted, prior to further flight repair the discrepancies in accordance with the instructions contained in the above Service Bulletin.

(b) An alternate method of compliance or adjustment of the compliance time which provides an equivalent level of safety, may be approved by the Manager, Brussels Aircraft Certification Office, FAA, c/o American Embassy, B-1000, Brussels, Belgium.

Note: The request should be forwarded through FAA Maintenance Inspector, who may add comments and then send it to the Manager, Brussels Aircraft Certification Office.

All persons affected by this directive may obtain copies of the documents referred to herein upon request to Hoffman Aircraft GmbH, Richard-Neutra-Gasse 5, 1210 Wein, Austria; or may examine these documents at the FAA, Central Region, Office of the Assistant Chief Counsel, room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

This amendment becomes effective on August 20, 1990.

Issued in Kansas City, Missouri, on July 5, 1990.

Don C. Jacobsen,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 90-16372 Filed 7-12-90; 8:45 am]

BILLING CODE 4910-13-M

FEDERAL TRADE COMMISSION

16 CFR Part 305

RIN 3084-AA26

Rules for Using Energy Cost and Consumption Information Used in Labeling and Advertising of Consumer Appliances; Ranges of Comparability for Water Heaters

AGENCY: Federal Trade Commission.

ACTION: Final rule.

SUMMARY: The Federal Trade Commission announces that the present ranges of comparability for water heaters will remain in effect until new ranges are published.

Under the Appliance Labeling Rule, each required label on a covered appliance must show a range, or scale, indicating the range of energy costs or efficiencies for all models of a size or capacity comparable to the labeled model. The Commission publishes the ranges annually in the Federal Register if the upper or lower limits of the range change by 15% or more from the previously published range. If the Commission does not publish a revised range, it must publish a notice that the prior range will be applicable until new ranges are published. The Commission is today announcing that the ranges for water heaters published on July 12, 1988, will remain in effect until new ranges are published.

EFFECTIVE DATE: July 13, 1990.

FOR FURTHER INFORMATION CONTACT: James Mills, Attorney, 202-326-3035, Division of Enforcement, Federal Trade Commission, Washington, DC 20580.

SUPPLEMENTARY INFORMATION: On November 19, 1979, the Commission issued a final rule,[1] pursuant to section 324 of the Energy Policy and Conservation Act of 1975,[2] covering certain appliance categories, including water heaters. The rule requires that energy costs and related information be disclosed on labels and in retail sales catalogs for all water heaters presently manufactured. Certain point-of-sale promotional materials must disclose the availability of energy usage information. If a water heater is advertised in a catalog from which it may be purchased by cash, charge account or credit terms, then the range of estimated annual energy costs for the product must be included on each page of the catalog that lists the product. The required disclosures and all claims concerning energy consumption made in writing or in broadcast advertisements must be based on the results of test procedures developed by the Department of Energy, which are referenced in the rule.

Section 305.8(b) of the rule requires manufacturers to report the energy usage of their models annually by specified dates for each product type.[3] Because the costs for the various types of energy change yearly, and because manufacturers regularly add new models to their lines, improve existing models and drop others, the data base from which the ranges of comparability are calculated is constantly changing.

To keep the required information in line with these changes, the Commission is empowered, under § 305.10 of the rule, to publish new ranges (but not more often than annually) if an analysis of the new data indicates that the upper or lower limits of the ranges have changed by more than 15%. Otherwise, the Commission must publish a statement that the prior range or ranges remain in effect for the next year.

[1] 44 FR 66466, 16 CFR 305.

[2] Pub. L. 94-163, 89 Stat. 871 (Dec. 22, 1975).

[3] Reports for water heaters are due by May 1.

The annual reports for water heaters have been received and analyzed and it has been determined to retain the ranges that were published on May 24, 1988.[4] In consideration of the foregoing, the present ranges for water heaters will remain in effect until the Commission publishes new ranges for these products.

List of Subjects in 16 CFR Part 305

Advertising, Energy conservation, Household appliances, Labeling, Reporting and recordkeeping requirements.

The authority citation for part 305 continues to read as follows:

Authority: Sec. 324 of the Energy Policy and Conservation Act (Pub. L. 94-163) (1975), as amended by the National Energy Conservation Policy Act, (Pub. L. 95-619 (1978), the National Appliance Energy Conservation Act, (Pub. L. 100-12) (1987), and the National Appliance Energy Conservation Amendments of 1988, (Pub. L. 100-357) (1988), 42 U.S.C. 6294; sec. 553 of the Administrative Procedure Act, 5 U.S.C. 553.

By direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 90-16396 Filed 7-12-90; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Parts 148 and 162

[T.D. 90-58]

Preclearance of Passengers and Baggage in a Foreign Country

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: Final rule.

SUMMARY: This document implements, on a permanent basis, certain interim amendments to the Customs Regulations that permit Customs stations to be maintained at airports in certain foreign countries where advance clearance (preclearance) of passengers and their baggage is conducted. Legislation provides a specific statutory basis for the preclearance program, which was previously based on various non-statutory authorities. In addition to providing statutory authority for the establishment of a preclearance program, the legislation clarified that Customs officers may be stationed at foreign locations, and that U.S. Customs and related laws would remain applicable at those locations. The legislation also provides that the Secretary of the Treasury may require passengers processed at preclearance stations to comply with U.S. Customs and related laws, which shall apply in the same manner as if the foreign station were a port of entry within the Customs territory of the United States.

EFFECTIVE DATE: This amendment is effective July 13, 1990.

FOR FURTHER INFORMATION CONTACT: Michael Lovejoy, Office of Passenger Enforcement and Facilitation, (202) 566-5607.

SUPPLEMENTARY INFORMATION:

Background

The Customs Service has established facilities listed in § 101.5, Customs Regulations (19 CFR 101.5), at certain foreign airports for the preclearance of passengers and their baggage in advance of the arrival of flights to the United States. Preclearance offices were established at airports in The Bahamas, Bermuda, and Canada. The preclearance program is now based on certain provisions of the Anti-Drug Abuse Act of 1986 set forth in 19 U.S.C. 1629. This Act permits Customs officers to be stationed in foreign countries when authorized by treaty or executive agreement with all applicable procedures for the seizure and forfeiture of merchandise to be carried out in compliance with the Customs laws, as may be permitted by treaty, agreement, or law of the country in which they are stationed. The Act also permits the Secretary to require compliance with Customs and related laws in the same manner as if the violation took place in the Customs territory of the U.S. By T.D. 89-22, published in the Federal Register on February 1, 1989 (54 FR 5076), parts 148 and 162, Customs Regulations (19 CFR parts 148, 162) were amended on an interim basis to provide for application of the Customs and related laws during advance clearance of airline passengers and their baggage in foreign airports before boarding planes destined for the United States.

The interim document, which set out the background of the statutory and regulatory provisions, provided a 60-day period for public comments. No comments were received. Accordingly, the amendments made on an interim basis by T.D. 89-22 are being adopted on a permanent basis without change.

Inapplicability of Delayed Effective Date Provision

Because the preclearance program is now grounded on specific statutory authority and the purpose of these amendments is to implement those statutory changes, it was determined that, pursuant to 5 U.S.C. 553(b)(3)(B), notice and public procedure were inapplicable and unnecessary. Accordingly, the amendments were adopted on an interim basis effective February 1, 1989. Because the amendments have been effective since that date, good cause exists for dispensing with a delayed effective date pursuant to 5 U.S.C. 553(d)(3).

Executive Order 12291 and Regulatory Flexibility Act

It has been determined that these amendments do not constitute a "major rule" within the criteria provided in section 1(b) of E.O. 12291, and, therefore, no regulatory impact analysis is required.

Pursuant to the provisions of section 5 of the Regulatory Flexibility Act (Pub. L. 96-354, 5 U.S.C. 601 *et seq.*), it is hereby certified that the regulation will not have a significant economic impact on a substantial number of small entities within the meaning of the Act. Accordingly, the amendments are not subject to the regulatory analysis or other requirements of 5 U.S.C. 603 and 604.

Drafting Information

The principal author of this document was Earl Martin, Regulations and Disclosure Law Branch, U.S. Customs Service. However, personnel from other offices participated in its development.

List of Subjects

19 CFR Part 148

Customs duties and inspection.

19 CFR Part 162

Administrative practice and procedure, Law enforcement, Penalties, Seizures and forfeitures.

Amendments to the Regulations

Accordingly, the interim rule amending parts 148 and 162, Customs Regulations (19 CFR parts 148, 162) which was published at 54 FR 5076-5077), is adopted as a final rule without change.

Michael H. Lane,

Acting Commissioner of Customs.

Approved: May 25, 1990.

John P. Simpson,

Assistant Secretary of the Treasury.

[FR Doc. 90-16385 Filed 7-12-90; 8:45 am]

BILLING CODE 4820-02-M

[4] 53 FR 26237.

PENSION BENEFIT GUARANTY CORPORATION

29 CFR Parts 2610 and 2622

Late Premium Payments and Employer Liability Underpayments and Overpayments; Interest Rate for Determining Variable Rate Premium; Amendments to Interest Rates

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Final rule.

SUMMARY: This document notifies the public of the interest rate applicable to late premium payments and employer liability underpayments and overpayments for the calendar quarter beginning July 1, 1990. This interest rate is established quarterly by the Internal Revenue Service. This document also sets forth the interest rates for valuing unfunded vested benefits for premium purposes for plan years beginning in May through July of 1990. These interest rates are established pursuant to section 4006 of the Employee Retirement Income Security Act of 1974, as amended. The effect of these amendments is to advise plan sponsors and pension practitioners of these new interest rates.

EFFECTIVE DATE: July 1, 1990.

FOR FURTHER INFORMATION CONTACT: Harold Ashner, Assistant General Counsel, Office of the General Counsel, Code 22500, Pension Benefit Guaranty Corporation, 2020 K Street NW., Washington, DC 20006; telephone (202) 778–8824 ((202) 778–8859 for TTY and TTD). These are not toll-free numbers.

SUPPLEMENTARY INFORMATION: As part of title IV of the Employee Retirement Income Security Act of 1974, as amended ("ERISA"), the Pension Benefit Guaranty Corporation ("PBGC") collects premiums from ongoing plans to support the single-employer and multiemployer insurance programs. Under the single-employer program, the PBGC also collects employer liability from those persons described in ERISA section 4062(a). Under ERISA section 4007 and 29 CFR 2610.7, the interest rate to be charged on unpaid premiums is the rate established under section 6601 of the Internal Revenue Code ("Code"). Similarly, under 29 CFR 2622.7, the interest rate to be credited or charged with respect to overpayments or underpayments of employer liability is the section 6601 rate. These interest rates are published by the PBGC in appendix A to the premium regulation and appendix A to the employer liability regulation.

The Internal Revenue Service has announced that for the quarter beginning July 1, 1990, the interest charged on the underpayment of taxes will be at a rate of 11 percent. Accordingly, the PBGC is amending appendix A to 29 CFR part 2610 and appendix A to 29 CFR part 2622 to set forth this rate for the July 1–September 30, 1990 quarter.

Under ERISA section 4006(a)(3)(E)(iii)(II), in determining a single-employer plan's unfunded vested benefits for premium computation purposes, plans must use an interest rate equal to 80% of the annual yield on 30-year Treasury securities for the month preceding the beginning of the plan year for which premiums are being paid. Under § 2610.23(b)(1) of the premium regulation, this value is determined by reference to 30-year Treasury constant maturities as reported in Federal Reserve Statistical Releases G.13 and H.15. The PBGC publishes these rates in appendix B to the regulation.

The PGBC publishes these monthly interest rates in appendix B on a quarterly basis to coincide with the publication of the late payment interest rate set forth in appendix A. (The PBGC publishes the appendix A rates every quarter, regardless of whether the rate has changed.) Unlike the appendix A rate, which is determined prospectively, the appendix B rate is not known until a short time after the first of the month for which it applies. Accordingly, the PBGC is hereby amending appendix B to part 2610 to add the vested benefits valuation rates for plan years beginning in May through July of 1990.

The appendices to 29 CFR parts 2610 and 2622 do not prescribe the interest rates under these regulations. Under both regulations, the appendix A rates are the rates determined under section 6601(a) of the Code. The interest rates in appendix B to part 2610 are prescribed by ERISA section 4006(a)(3)(E)(iii)(II) and § 2610.23(b)(1) of the regulation. These appendices merely collect and republish the interest rates in convenient place. Thus, the interest rates in the appendices are informational only. Accordingly, the PBGC finds that notice of and public comment on these amendments would be unnecessary and contrary to the public interest. For the above reasons, the PBGC also believes that good cause exists for making these amendments effective immediately.

The PBGC has determined that none of these amendments is a "major rule" within the meaning of Executive Order 12291, because they will not have an annual effect on the economy of $100 million or more; nor create a major increase in costs or prices for consumers, individual industries, or geographic regions, nor have significant adverse effects on competition, employment, investment, innovation or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Because no general notice of proposed rulemaking is required for these amendments, the Regulatory Flexibility Act of 1980 does not apply. See 5 U.S.C. 601(2).

List of Subjects

29 CFR Part 2610

Employee benefit plans, Penalties, Pension insurance, Pensions, and Reporting and recordkeeping requirements.

29 CFR Part 2622

Business and industry, Employee benefit plans, Pension insurance, Pensions, Reporting and recordkeeping requirements, and Small businesses.

In consideration of the foregoing, appendix A and appendix B to part 2610 and appendix A to part 2622 of chapter XXVI of title 29, Code of Federal Regulations, are hereby amended as follows:

PART 2610—PAYMENT OF PREMIUMS

1. The authority citation for part 2610 continues to read as follows:

Authority: 29 U.S.C. 1302(b)(3), 1306, 1307 (1988), as amended by sec. 7881(h), Pub. L. 101–239, 103 Stat. 2106, 2242.

2. Appendix A to part 2610 is amended by adding a new entry for the quarter beginning July 1, 1990, to read as follows. The introductory text is republished for the convenience of the reader and remains unchanged.

Appendix A—Late Payment Interest Rates

The following table lists the late payment interest rates under § 2610.7(a) for the specified time periods:

From	Through	Interest rate (percent)
• • • • •		
July 1, 1990.....	September 30, 1990.	11

3. Appendix B to part 2610 is amended by adding to the table of interest rates therein new entries for premium payment years beginning in May through July of 1990, to read as follows. The introductory text is republished for the convenience of the reader and remains unchanged.

Appendix B—Interest Rates for Valuing Vested Benefits

The following table lists the required interest rates to be used in valuing a plan's vested benefits under § 2610.23(b) and in calculating a plan's adjusted vested benefits under § 2610.23(c)(1):

For premium payment years beginning in—	Required interest rate [1]
* * * * *	
May 1990	7.01
June 1990	6.98
July 1990	6.77

[1] The required interest rate listed above is equal to 80% of the annual yield for 30-year Treasury constant maturities, as reported in Federal Reserve Statistical Release G.13 and H.15 for the calendar month preceding the calendar month in which the premium payment year begins.

PART 2622—EMPLOYER LIABILITY FOR WITHDRAWALS FROM AND TERMINATIONS OF SINGLE-EMPLOYER PLANS

4. The authority citation for part 2622 continues to read as follows:

Authority: 29 U.S.C. 1302(b)(3), 1362–1364, 1367–68, as amended by secs. 9312, 9313, Pub. L. 100–203, 101 Stat. 1330.

5. Appendix A to part 2622 is amended by adding a new entry for the quarter beginning July 1, 1990, to read as follows. The introductory text is republished for the convenience of the reader and remains unchanged.

Appendix A—Late Payment and Overpayment Interest Rates

The following table lists the late payment and overpayment interest rates under § 2622.7 for the specified time periods:

From	Through	Interest rate (percent)
* * * * *		
July 1, 1990	September 30, 1990.	11

Issued in Washington, DC, the 9th day of July 1990.

James B. Lockhart III,

Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 90–16387 Filed 7–12–90; 8:45 am]

BILLING CODE 7708–01–M

29 CFR Part 2676

Valuation of Plan Benefits and Plan Assets Following Mass Withdrawal—Interest Rates

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Final rule.

SUMMARY: This is an amendment to the Pension Benefit Guaranty Corporation's regulation on Valuation of Plan Benefits and Plan Assets Following Mass Withdrawal (29 CFR part 2676). The regulation prescribes rules for valuing benefits and certain assets of multiemployer plans under sections 4219(c)(1)(D) and 4281(b) of the Employee Retirement Income Security Act of 1974. Section 2676.15(c) of the regulation contains a table setting forth, for each calendar month, a series of interest rates to be used in any valuation performed as of a valuation date within that calendar month. On or about the fifteenth of each month, the PBGC publishes a new entry in the table for the following month, whether or not the rates are changing. This amendment adds to the table the rate series for the month of August 1990.

EFFECTIVE DATE: August 1, 1990.

FOR FURTHER INFORMATION CONTACT: Deborah C. Murphy, Attorney, Office of the General Counsel (22500), Pension Benefit Guaranty Corporation, 2020 K Street, NW., Washington, DC 20006; 202–778–8820 (202–778–8859 for TTY and TDD). (These are not toll-free numbers.)

SUPPLEMENTARY INFORMATION: The PBGC finds that notice of and public comment on this amendment would be impracticable and contrary to the public interest, and that there is good cause for making this amendment effective immediately. These findings are based on the need to have the interest rates in this amendment reflect market conditions that are as nearly current as possible and the need to issue the interest rates promptly so that they are available to the public before the beginning of the period to which they apply. (*See* 5 U.S.C. 533 (b) and (d).) Because no general notice of proposed rulemaking is required for this amendment, the Regulatory Flexibility Act of 1980 does not apply (5 U.S.C. 601(2)).

The PBGC has also determined that this amendment is not a "major rule" within the meaning of Executive Order 12291 because it will not have an annual effect on the economy of $100 million or more; or create a major increase in costs or prices for consumers, individual industries, or geographic regions; or have significant adverse effects on competition, employment, investment, or innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

List of Subjects in 29 CFR Part 2676

Employee benefit plans and Pensions.

In consideration of the foregoing, part 2676 of subchapter H of chapter XXVI of title 29, Code of Federal Regulations, is amended as follows:

PART 2676—VALUATION OF PLAN BENEFITS AND PLAN ASSETS FOLLOWING MASS WITHDRAWAL

1. The authority citation for part 2676 continues to read as follows:

Authority: 29 U.S.C. 1302(b)(3), 1399(c)(1)(D), and 1441(b)(1).

2. In § 2676.15, paragraph (c) is amended by adding to the end of the table of interest rates therein the following new entry:

§ 2676.15 Interest.

* * * * *

(c) *Interest Rates.*

For valuation dates occurring in the month:	The values for i_k are:															
	i_1	i_2	i_3	i_4	i_5	i_6	i_7	i_8	i_9	i_{10}	i_{11}	i_{12}	i_{13}	i_{14}	i_{15}	i_n
*		*		*		*		*		*						
August 1990	.08875	.08625	.08375	.08	.07625	.07125	.07125	.07125	.07125	.07125	.065	.065	.065	.065	.065	.05875

Issued at Washington, DC, on this 9th day of July 1990.

James B. Lockhart III,

Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 90-16388 Filed 7-12-90; 8:45 am]

BILLING CODE 7708-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 100

[CGD 05-90-46]

Special Local Regulations for Marine Events; U.S. Marine Corps Insertion/ Extraction Demonstration; Severn River, Annapolis, MD

AGENCY: Coast Guard, DOT.

ACTION: Notice of implementation of 33 CFR 100.511.

SUMMARY: This notice implements 33 CFR 100.511 for the U.S. Marine Corps Insertion/Extraction Demonstration, an annual event to be held August 10, 1990 on the Severn River, Annapolis Maryland. These special local regulations are needed to provide for the safety of the participants and spectators on navigable waters during this event. They will restrict general navigation in the regulated area.

EFFECTIVE DATE: The regulations in 33 CFR 100.511 are effective from 8:30 a.m. to 1 p.m., August 10, 1990.

FOR FURTHER INFORMATION CONTACT: Stephen L. Phillips, Chief, Boating Affairs Branch, Fifth Coast Guard District, 431 Crawford Street, Portsmouth, Virginia 23704-5004 (804) 398-6204.

SUPPLEMENTARY INFORMATION:

Drafting Information

The drafters of this notice are QM1 Kevin R. Connors, project officer, Boating Affairs Branch, Boating Safety Division, Fifth Coast Guard District, and Captain Michael K. Cain, project attorney, Fifth Coast Guard District Legal Staff.

Discussion of Regulations

The U.S. Naval Academy, Annapolis, Maryland, submitted an application on May 19, 1990 to hold the U.S. Marine Corps Insertion/Extraction Demonstration. The demonstration will be held in that portion of the Severn River bounded on the south by Dungan Basin and to the north by the State Route 450 Bascule Bridge. It will consist of four marines parachuting from one H-46 Helicopter at various altitudes ranging from 2,500 to 10,000 feet. The marines will be lifted from the water by small craft and helicopter. Since this event is of the type contemplated by these regulations, the safety of the participants will be enhanced by the implementation of the special local regulations. Commercial traffic should not be severely disrupted.

Dated: July 3, 1990.

P.A. Welling,

Rear Admiral, U.S. Coast Guard, Commander, Fifth Coast Guard District.

[FR Doc. 90-16356 Filed 7-12-90; 8:45 am]

BILLING CODE 4910-14-M

33 CFR Part 100

[CGD1 90-016]

National Sweepstakes Regatta, Red Bank, New Jersey

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: The Coast Guard is amending the special local regulations contained in 33 CFR 100.103 which govern the National Sweepstakes Regatta. This rule amends the permanent regulations, 33 CFR 100.103, by changing the dates of the National Sweepstakes Regatta from the third weekend in August to between 8 a.m. and 6 p.m. on July 13, 14 and 15, 1990. This change in the date of the event was due to the request of the sponsor. This change in the date of the event represents the sole change to the existing permanent regulations.

EFFECTIVE DATE: This amendment becomes effective at 8 a.m. on July 13, 1990 and terminates at 6 p.m. on July 15, 1990.

FOR FURTHER INFORMATION CONTACT: Ensign Leslie J. Penney, (617) 223-8310.

SUPPLEMENTARY INFORMATION: In accordance with 5 U.S.C. 553, a notice of proposed rulemaking has not been published for these regulations and good cause exists for making them effective in less than 30 days from the date of publication. Following normal rulemaking procedures would have been impracticable. The change in the date of the event was not finalized until late in the process and there was not sufficient time remaining to publish proposed rules in advance of the event or to provide for a delayed effective date.

Drafting Information

The drafters of this notice are ENS L. J. Penney, Project Officer, First Coast Guard District Boating Safety Division, and LT J.B. Gately, project attorney, First Coast Guard District Legal Office.

Discussion of Regulation

This notice provides the effective period for the permanent regulation governing the 1990 running of the National Sweepstakes Regatta on the Navesink River in Red Bank, New Jersey. The regulations, 33 CFR 100.103, will be in effect from 8 a.m. to 6 p.m. for three (3) days; July 13, 14 and 15, 1990. The event consists of several daily speedboat races of about 50 minutes each. All racing shall be held during the effective period of regulation. The regulated area is that portion of the Navesink River in Red Bank, NJ between the New Jersey Route 35 bridge and a line running across the Navesink River connecting Guyon and Lewis Points. Further public notification of these regulations will be accomplished through publication of the regulations in the First Coast Guard District Local Notice to Mariners.

List of Subjects in 33 CFR Part 100

Marine safety, Navigation (water).

Regulations

In consideration of the foregoing, part 100 of title 33, Code of Federal Regulations is amended as follows:

1. The authority citation for part 100 continues to read as follows:

Authority: 33 U.S.C. 1233; 49 CFR 1.46 and 33 CFR 100.35.

2. Section 100.103 is amended by revising paragraph (b) to read as follows:

§ 100.103 National Sweepstakes Regatta, Red Bank, NJ.

* * * * *

(b) Effective period. This regulation will be effective from 8 a.m. on the morning of July 13, 1990 until 6 p.m. in the evening of July 15, 1990, unless otherwise specified in the Coast Guard Local Notice to Mariners and a Federal Register Notice.

* * * * *

Dated: July 5, 1990.

R.I. Rybacki,

Rear Admiral, U.S. Coast Guard Commander, First Coast Guard District.

[FR Doc. 90-16357 Filed 7-12-90; 8:45 am]

BILLING CODE 4910-14-M

33 CFR Part 100

[CGD1 90-036]

Ray Caterla Mercedes Benz Offshore Grand Prix

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: The Coast Guard is amending the special local regulations contained in 33 CFR 100.109 which govern the annual Ray Catena Mercedes Benz Offshore Grand Prix. The name of the event has not changed but the Coast Guard is amending 33 CFR 100.109 by changing the location of the race in order to provide for the safety of life on navigable waters during the event.

EFFECTIVE DATE: This regulation becomes effective at 9 a.m. on July 14, 1990 and terminates at 3 p.m. on July 14, 1990. In case of inclement weather the alternate date will be July 15, 1990 from 9 a.m. to 3 p.m.

FOR FURTHER INFORMATION CONTACT: Ensign Leslie J. Penney, (617) 223–8310.

SUPPLEMENTARY INFORMATION: In accordance with 5 U.S.C. 553, a notice of proposed rulemaking has not been published for these regulations and good cause exists for making them effective in less than 30 days from the date of publication. Following normal rulemaking procedures would have been impracticable. The change in the location of the race course from where it had been in previous years was not detected until late in the process and there was not sufficient time remaining to publish proposed rules in advance of the event or to provide for a delayed effective date.

Drafting Information

The drafters of this notice are Ensign L.J. Penney, Project Officer, Boating Safety Office and Lieutenant J.B. Gately, Project Attorney, First Coast Guard District Legal Office.

Discussion of Regulation

The Ray Catena Mercedes Benz Offshore Grand Prix is a high speed Indy 500 type powerboat race around a triangular course. The name of the event has not been changed. The Coast Guard is amending 33 CFR 100.109 by changing the location of the race course. In past years the race has been held on the coastal waters of the Atlantic Ocean extending from Spring Lake, NJ to Seaside Heights, NJ. The location has moved slightly south to the coastal waters of the Atlantic Ocean extending from Manasquan, NJ to Seaside Park, NJ. Since the location of the race course has changed, this has necessitated changing the location of the spectator area. The course was moved further seaward and away from the entrance of the Manasquan Inlet in the interest of public safety.

List of Subjects in 33 CFR Part 100

Marine safety, Navigation (water).

Regulations

In consideration of the foregoing, part 100 of title 33, Code of Federal Regulations is amended as follows:

1. The authority citation for part 100 continues to read as follows:

Authority: 33 U.S.C. 1233; 49 CFR 1.46 and 33 CFR 100.35.

2. Section 100.109 is amended by revising paragraphs (a), (b)(1)(ii), and (c) to read as follows:

§ 100.109 Ray Catena Mercedes Benz Offshore Grand Prix, Manasquan, New Jersey.

(a) Definitions—Regulated Area

The regulated area is the coastal Atlantic waters of New Jersey between the towns of Manasquan and Seaside Park. Specifically, the boundaries of the regulated area are:

(1) Northerly: An east to west line at latitude 40°06'12" North.

(2) Southerly: An east to west line at latitude 39°56'07" North.

(3) Easterly: A line drawn parallel to, and 5 miles seaward from, the New Jersey coast between the north and south boundaries of the regulated area.

(4) Westerly: The New Jersey shoreline between the north and south boundaries of the regulated area.

(b) * * *

(1) * * *

(ii) Spectating vessels. The spectator area for this race will be confined to the following coordinates:

(A) 40°06'00" N, 074°01'30" W to
(B) 40°06'00" N, 074°00'00" W to
(C) 40°05'00" N, 074°00'00" W to
(D) 40°05'42" N, 074°00'-30" W to origin.

The sponsor shall provide readily identifiable banners to mark the spectator area. Vessels will not be allowed to observe the race from any other area.

* * * * *

(c) Effective Dates. These regulations are effective at 9 a.m. on July 14, 1990 and terminate at 3 p.m. on July 14, 1990. In the case of inclement weather, the alternate date will be July 15, 1990 from 9 a.m. to 3 p.m.

* * * * *

Dated: July 3, 1990.

R.I. Rybacki,

Rear Admiral, U.S. Coast Guard Commander, First Coast Guard District.

[FR Doc. 90–16358 Filed 7–12–90; 8:45 am]

BILLING CODE 4910–14–M

33 CFR Part 165

[COTP Grand Haven Reg. 90–05]

Safety Zone Regulations; St. Joseph River Basin, St. Joseph, MI

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: The Coast Guard is establishing a safety zone in the St. Joseph River Basin, St. Joseph, MI, to protect the safety of life and property on the water during the Venetian Festival and Fireworks Display on 21 July 1990.

EFFECTIVE DATE: This regulation becomes effective at 9 a.m. (e.d.s.t.) on 21 July 1990 and will terminate at 12:30 a.m. (e.d.s.t.) on 23 July 1990.

FOR FURTHER INFORMATION CONTACT: John R. Allyn, Radarman First Class, U.S. Coast Guard Group, 650 Harbor Ave., Grand Haven, MI 49417, (616) 847–4500.

SUPPLEMENTARY INFORMATION: In accordance with 5 U.S.C. 553, a Notice of Proposed Rulemaking was not published for this regulation and good cause exists for making it effective in less than 30 days after **Federal Register** publication. Publishing a NPRM and delaying its effective date would be contrary to the public interest since immediate action is needed to preclude damage to vessels and equipment or injury to people in the vicinity.

Drafting Information

The drafters of this regulation are John R. Allyn, Radarman First Class, U.S. Coast Guard Group Grand Haven and M. Eric Reeves, Lieutenant Commander, U.S. Coast Guard, Project Attorney, Ninth Coast Guard District Legal Office.

Discussion of Regulation

The circumstances requiring this regulation result from a fireworks display which will be conducted in the St. Joseph River Basin, St. Joseph, MI. during this time. The safety zone is needed to ensure the protection of life and property during the Venetian Festival and Fireworks Display.

This regulation is issued pursuant to 33 U.S.C. 1225 and all 1231 as set out in the authority citation for all of part 165.

Federalism

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that this rulemaking does not have sufficient federalism implications to warrant the

preparation of a Federalism Assessment.

Economic Assessment and Certification

These regulations are considered to be non-major under Executive Order 12291 on Federal Regulations and nonsignificant under Department of Transportation regulatory policies and procedures (44 FR 11034; February 26, 1979). Because of the short duration of these regulations, their economic impact has been found to be so minimal that a full regulatory evaluation is unnecessary. This event will draw a large number of spectator craft into the area for the duration of the event. This should have a favorable impact on commercial facilities providing services to the spectators. Any impact on commercial traffic in the area will be negligible.

Since the impact of these regulations is expected to be minimal, the Coast Guard certifies that they will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Security measures, Vessels, Waterways.

Regulation

In consideration of the foregoing, subpart C of part 165 of title 33, Code of Federal Regulations, is amended as follows:

1. The authority citation for part 165 continues to read as follows:

Authority: 33 U.S.C. 1225 and 1231; 50 U.S.C. 191; 49 CFR 1.46 and 33 CFR 1.05–1(g), 6.04–1, 6.04–6, and 160.5.

2. A new § 165.T0918 is added to read as follows:

§ 165.T0918 Safety Zone: St. Joseph River Basin, St. Joseph, MI.

(a) *Location:* The following area is a safety zone: St. Joseph River from the pierheads (mile 0.0) to the Napier Ave. Bridge (mile 3.11).

(b) *Effective date:* This regulation will become effective at 9:00 a.m. (EDST) 21 July 1990, and terminate at 12:30 a.m. (EDST) 23 July 1990.

(c) *Regulations:* (1) In accordance with the general regulations in § 165.23 of this part, entry into this zone is prohibited, except when expressly authorized by the Coast Guard Patrol Commander (Officer in Charge, U.S. Coast Guard Station St. Joseph, MI.).

(2) The Coast Guard will Patrol the safety zone under the direction of a designated Coast Guard Patrol Commander. The Patrol Commander may be contacted on channel 16 (156.8 MHz) by the call sign "Coast Guard Patrol Commander". Operators of vessels, not participating in the event, desiring to transit the regulated area, may do so only with prior approval of the Patrol Commander and when so directed by that officer. Transiting vessels will be operated at bare steerageway, and will exercise a high degree of caution in the area.

(3) The Patrol Commander may direct the anchoring, mooring or movement of any boat or vessel within the regulated area. A succession of sharp, short signals by whistle or horn from vessels patrolling the area, under the direction of the Coast Guard Patrol Commander, shall serve as a signal to stop. Vessels so signaled shall stop and shall comply with the orders of the Patrol Commander. Failure to do so may result in expulsion from the area, citation for failure to comply, or both.

(4) The Patrol Commander may restrict vessel operation within the regulated area to vessels having particular operating characteristics.

(5) The Patrol Commander may terminate the marine event or the operation of any vessel at any time it is deemed necessary for the protection of life and property.

Dated: July 2, 1990.

L. L. Mizell,

Commander, U.S. Coast Guard, Captain of the Port, Grand Haven, MI.

[FR Doc. 90–16359 Filed 7–12–90; 8:45 am]

BILLING CODE 4910–14–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[PP 9F3798/R1075; FRL–3771–9]

Pesticide Tolerances for Lactofen (1-(Carboethoxy)Ethyl-5-(2-Chloro-4-(Trifluoromethyl)Phenoxy)-2-Nitrobenzoate); Correction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; correction.

SUMMARY: In FR Doc. 90-13852 in the Federal Register of June 14, 1990, at page 24084 (55 FR 24084), EPA issued a final rule establishing an interim tolerance for residues of the herbicide lactofen (1-(carboethoxy)ethyl-5-(2-chloro-4-(trifluoromethyl)phenoxy)-2-nitrobenzoate) and its metabolites containing the diphenyl ether linkage in or on the raw agricultural commodity cottonseed at 0.05 part per million. The table in § 180.453 in the first column of page 24085 inadvertently listed the raw agricultural commodity as "cotton" rather than "cottonseed" as specified throughout the preamble of the document. This correction document changes "cotton" to read "cottonseed" in the table of § 180.453.

EFFECTIVE DATE: July 13, 1990.

FOR FURTHER INFORMATION CONTACT: By mail: Joanne I. Miller, Acting Product Manager (PM) 23, (H7505C), Registration Division, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. 237, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703)–557–1830.

Dated: Douglas D. Campt,

Douglas D. Campt,

Director, Office of Pesticide Programs.

[FR Doc. 90–16399 Filed 7–12–90; 8:45 am]

BILLING CODE 6560–50–F

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 2 and 15

[Gen. Docket No. 89–354; FCC 90–233]

Operation of Spread Spectrum Systems

AGENCY: Federal Communications Commission (FCC).

ACTION: Final rules.

SUMMARY: The Commission has adopted a Report and Order amending parts 2 and 15 of the rules concerning the operation of spread spectrum systems. The Commission adopted new rules to establish a power density limit and a processing gain standard for direct sequence systems and increase the hopping channel bandwidth for frequency hopping systems. The Commission also clarified the existing part 15 spread spectrum rules concerning out-of-band emissions and the use of hybrid frequency hopping and direct sequence systems. It further adopted new rules limiting the use of directional antennas with these systems. This action will provide greater flexibility in the design of spread spectrum systems. The new regulations will also answer industry's need for delineated guidelines on the parameters that classify and bound these systems.

EFFECTIVE DATE: August 24, 1990.

ADDRESSES: Federal Communications Commission, 1919 M Street NW., Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Dr. Joseph F. McNulty, Engineering

Evaluation Branch, Office of Engineering and Technology, (301) 725-1585.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order in General Docket No. 89-354, FCC 90-233, adopted June 14, 1990 and released July 9, 1990.

The full text of the Commission's decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, (202) 857-3800, 2100 M Street NW., Suite 140, Washington, DC 20037.

Summary of the Report and Order

1. Spread spectrum systems are communications systems in which a low speed stream of information is combined with a higher speed signal called a spreading code. When the combined signal is transmitted, it is spread over a much wider bandwidth than that which would be needed to convey the information alone. On May 9, 1985, in the First Report and Order in General Docket No. 81-413, the Commission adopted provisions for the use of spread spectrum emissions under § 15.126 of the Rules. The rules allowed direct sequence and frequency hopping spread spectrum systems to operate in the 902-928 MHz, 2400-2483.5 MHz and 5725-5850 MHz frequency bands. However, since that time, the Commission has received many requests for clarification of the parameters specifying these systems. These inquiries generally concerned the requirements for minimum spreading code length and the minimum system processing gain. Values of these parameters were not specified in the rules.

2. On August 9, 1989, the Commission adopted a Notice of Proposed Rule Making (NPRM) that addressed these concerns. The NPRM proposed a minimum spreading code length for direct sequence systems. In addition, the NPRM proposed to increase the hopping channel bandwidth for frequency hopping systems. To accommodate the increased channel bandwidth in the 902-928 MHz band and still retain the nonoverlapping hopping channel requirement, the NPRM proposed to reduce the required number of hopping frequencies for systems using this band. To clarify the Commission's intent for the existing rules, it was proposed that each hopping frequency be selected at least once before the hopping sequence repeated. Comments were sought on all of these proposals. In addition, comments were requested as to whether a processing gain standard was necessary to ensure that spread spectrum systems, not just wide band transmitters, were being developed and used.

3. The final rules adopted in the Report and Order specify a power density limit of 8 dBm/3 kHz for direct sequence systems in lieu of a minimum length for the spreading code. This limit applies to the radiation emitted within any 3 kHz interval within the 902-928 MHz, 2400-2483.5 MHz, and 5725-5850 MHz bands during any 1 second interval of time. The new rules also provide that direct sequence systems must have at least 10 dB of processing gain, as measured at the demodulated output of the receiver. Processing gain is to be determined from the ratio of the signal to noise ratio at this point as measured with the transmitter spreading code turned off to the signal to noise ratio at this point as measured with the transmitter spreading code turned on.

4. The final rules also increase the maximum channel bandwidth for frequency hopping systems 500 kHz in the 902-928 MHz band and to 1 MHz in the 2400-2483.5 and 5725-5850 MHz bands. To accommodate nonoverlapping channels of 500 kHz bandwidth in the 902-928 MHz band, the final rules reduce the minimum number of hopping channels in this band from 75 to 50, and change the maximum occupancy times on any bandwidth within this band from 400 milliseconds during any 30 second time interval to 400 milliseconds during any 20 second time interval. For the 2400-2483.5 and 5725-5850 MHz bands, the maximum occupancy times on any bandwidth within these two bands remains at 400 milliseconds during any 30 second time interval. Each transmitter is required to use each hopping channel equally on average.

5. The final rules also establish standards for receivers used in frequency hopping systems. These receivers are required now to have input bandwidths that match the hopping channel bandwidths of the associated transmitter and to hop in synchronization with the transmitter.

6. The new rules set out-of-band emission limits for part 15 spread spectrum systems to make them consistent with the general limits in § 15.209 of the rules. Limits have also been set on the use of directional antennas. If antennas of directional gains greater than 6 dBi are used on the transmitting units, the maximum peak output power must be reduced by the amount in dB that the directional gain of the antenna exceeds 6 dBi. The new rules also clarify the regulations governing hybrid systems that employ both direct sequence and frequency hopping techniques have also been made.

7. Pursuant to the Regulatory Flexibility Act of 1980, 5 U.S.C. 603, the proposed rules will not, if promulgated, have a significant economic impact on a substantial number of small entities because they provide guidance and minimum standards consistent with the industry's needs.

8. Hence it is ordered that, pursuant to the authority contained in sections 4(i), 4(j), and 303(r) of the Communications Act of 1934, as amended, parts 2 and 15 of chapter 1 of title 47 of the Code of Federal Regulations *are amended* as set forth below. *It is further ordered* that this proceeding is *terminated*.

List of Subjects in 47 CFR Parts 2 and 15

Communications equipment.

Rule Changes

Title 47 of the Code of Federal Regulations, part 2, is amended as follows:

PART 2—[AMENDED]

1. The authority citation for part 2 continues to read as follows:

Authority: Sections 4, 302, 303, and 307 of the Communications Act of 1934, as amended, 47 U.S.C. 154, 302, 303, and 307, unless otherwise noted.

2. Section 2.1(c) is amended by adding the following definition in alphabetical order to read as follows:

§ 2.1 Terms and definitions.

* * * * *

(c) * * *

Pseudorandom sequence. A sequence of binary data which has some of the characteristics of a random sequence but also has some characteristics which are not random. It resembles a true random sequence in that the one bits and zero bits of the sequence are distributed randomly throughout every length, N, of the sequence and the total numbers of the one and zero bits in that length are approximately equal. It is not a true random sequence, however, because it consists of a fixed number (or length) of coded bits which repeats itself exactly whenever that length is exceeded, and because it is generated by a fixed algorithm from some fixed initial state.

* * * * *

3. Section 2.1033 is amended by adding a new paragraph (b)(11), to read as follows:

§ 2.1033 Application for certification.

* * * * *

(b) * * *

(11) Applications for the certification of direct sequence spread spectrum transmitters under part 15 shall be accompanied by an exhibit demonstrating compliance with the processing gain provisions of § 15.257(e) of this chapter. Applications for the certification of frequency hopping transmitters under part 15 shall be accompanied by an exhibit describing compliance of the associated receiver or receivers with § 15.247(a)(1) of this chapter.

* * * * *

Title 47 of the Code of Federal Regulations, part 15 is amended as follows:

1. The authority citation for part 15 is revised to read as follows:

Authority: Sec. 4, 302, 303, 304, and 307 of the Communications Act of 1934, as amended, 47 U.S.C. sections 154, 302, 303, 304, and 307.

2. Section 15.203 is amended by revising the fourth sentence to read as follows:

§ 15.203 Antenna requirement.

* * * This requirement does not apply to carrier current devices or to devices operated under the provisions of §§ 15.211, 15.213, 15.217, 15.219, or 15.221.* * *

3. Section 15.247 is amended by revising paragraphs (a)(1), (b) and (c) and by adding new paragraphs (d), (e), and (f), to read as follows:

§ 15.247 Operation within the bands 902-928 MHz, 2400-2483.5 MHz, and 5725-5850 MHz.

(a) * * *

(1) Frequency hopping systems shall have hopping channel carrier frequencies separated by a minimum of 25 kHz or the 20 dB bandwidth of the hopping channel, whichever is greater. The system shall hop to channel frequencies that are selected at the system hopping rate from a pseudorandomly ordered list of hopping frequencies. Each frequency must be used equally on the average by each transmitter. The system receivers shall have input bandwidths that match the hopping channel bandwidths of their corresponding transmitters and shall shift frequencies in synchronization with the transmitted signals.

(i) Frequency hopping systems operating in the 902-928 MHz band shall use at least 50 hopping frequencies. The maximum allowed 20 dB bandwidth of the hopping channel is 500 kHz. The average time of occupancy on any frequency shall not be greater than 0.4 seconds within a 20 second period.

(ii) Frequency hopping systems operating in the 2400-2483.5 MHz and 5725-5850 MHz bands shall use at least 75 hopping frequencies. The maximum 20 dB bandwidth of the hopping channel is 1 MHz. The average time of occupancy on any frequency shall not be greater than 0.4 seconds within a 30 second period.

* * * * *

(b) The maximum peak output power of the transmitter shall not exceed 1 Watt. If transmitting antennas of directional gain greater than 6 dBi are used, the power shall be reduced by the amount in dB that the directional gain of the antenna exceeds 6 dBi.

(c) If any 100 kHz bandwidth outside these frequency bands, the radio frequency power that is produced by the modulation products of the spreading sequence, the information sequence and the carrier frequency shall be either at least 20 dB below that in any 100 kHz bandwidth within the band that contains the highest level of the desired power or shall not exceed the general levels specified in § 15.209(a), whichever results in the lesser attenuation. All other emissions outside these bands shall not exceed the general radiated emission limits specified in § 15.209(a).

(d) For direct sequence systems, the transmitted power density averaged over any 1 second interval shall not be greater than 8 dBm in any 3 kHz bandwidth within these bands.

(e) The processing gain of a direct sequence system shall be at least 10 dB. The processing gain shall be determined from the ratio in dB of the signal to noise ratio with the system spreading code turned off to the signal to noise ratio with the system spreading code turned on, as measured at the demodulated output of the receiver.

(f) Hybrid systems that employ a combination of both direct sequence and frequency hopping modulation techniques shall achieve a processing gain of at least 17 dB from the combined techniques. The frequency hopping operation of the hybrid system, with the direct sequence operation turned off, shall have an average time of occupancy on any frequency not to exceed 0.4 seconds within a time period in seconds equal to the number of hopping frequencies employed multiplied by 0.4. The direct sequence operation of the hybrid system, with the frequency hopping operation turned off, shall comply with the power density requirements of paragraph (d) of this section.

* * * * *

Federal Communications Commission.

Donna Searcy,

Secretary.

[FR Doc. 90-16339 Filed 7-12-90; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 68

[CC Docket No. 87-124; FCC 90-133]

Telephones for Use by Hearing Impaired

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Hearing Aid Compatibility Act of 1988 amends section 710 of the Communications Act of 1934 to require, among other things, that nearly all telephones manufactured in, or imported for use in, the United States after August 16, 1989, be hearing aid compatible. Accordingly, the FCC issued its First Report and Order (Order) in the matter of Access to Telecommunications Equipment by the Hearing Impaired and Other Disabled Persons, CC Docket 87-124, FCC 89-137, 4 FCC Rcd 4596 (1989), changing language in portions of its rules (part 68 of title 47 of the Code of Federal Regulations, 47 CFR part 68) to conform to the statutory requirements. Several parties (collectively Petitioners) have filed a petition for partial reconsideration of the Order. In ruling on the petition, the FCC, on April 12, 1990, adopted a combined Memorandum Opinion and Order (MO&O) and Further Notice of Proposed Rulemaking (Further NPRM), FCC 90-133, CC Docket 87-124. This MO&O portion of that action amends the rules relating to "hearing aid compatible telephones," the effect being to fulfill the goals of Congress to expand access to telephone service for the hearing impaired and other disabled persons. A companion document relating to the Further NPRM portion of the item is published elsewhere in this issue.

EFFECTIVE DATE: September 11, 1990.

FOR FURTHER INFORMATION CONTACT: Jim Ferris, Domestic Services Branch, Common Carrier Bureau, (202) 634-1830.

SUPPLEMENTARY INFORMATION: This is a summary of the FCC's MO&O in CC Docket 87-124, FCC 90-133, adopted April 12, 1990, and released June 7, 1990. The complete document, as well as comments and reply comments, may be inspected and copied during the weekday hours (excluding Federal holidays) of 9 a.m. to 4:30 p.m. in the FCC's Public Reference room, room 239,

1919 M St., NW., Washington, DC; or transcripts may be purchased from the FCC's duplicating contractor, International Transcription Services, 2100 M Street, NW., suite 140, Washington, DC 20037, (202) 857–3800.

1. The Telecommunications for the Disabled Act of 1982, Public Law No. 97–410, 96 Stat. 2043, amended section 710 of the Communications Act of 1934, 47 U.S.C. 610, to require, among other things, that all telephones deemed "essential" be compatible with hearing aids. In response to that directive, the FCC on December 1, 1983, adopted rules designed to improve the availability of telecommunications equipment and services for the hearing impaired and other disabled persons. Report & Order, CC Docket 83–427, 49 FR 1352, modified, 49 FR 19666 (1984), further modified, Memorandum Opinion and Order, FCC 84–382 (released August 13, 1984).

2. After the rules had been in effect for about three years, the FCC initiated a proceeding to examine their effectiveness, particularly in the wake of recent technological and other changes. Notice of Inquiry in CC Docket 87–124, FCC 87–150, 2 FCC Rcd 2836, 52 FR 19198 (1987).

3. After careful analysis of all relevant and timely comments filed in response to the Notice of Inquiry, the FCC adopted a Notice Proposed Rulemaking (NPRM) and Further Notice of Inquiry (NOI) in CC Docket 87–124, FCC 88–123, 3 FCC Rcd 1982 (1988). In the NPRM portion, the FCC proposed to expand the definition of "essential" telephones to include all workplace telephones located in common areas and all credit card telephones. In the NOI portion, comment was sought on other issues involved in ensuring reasonable access to telephone service for the hearing impaired and other disabled persons.

4. On August 16, 1988, the President signed into law the Hearing Aid Compatibility Act of 1988 (HAC Act), Public Law No. 100–394, 102 Stat. 976 (1988), which amends section 710 of the Communications Act of 1934, as amended, 47 U.S.C. 610. The new law directs the FCC to "establish such regulations as are necessary to ensure reasonable access to telephone service by persons with impaired hearing," 47 U.S.C. 610. Moreover, the HAC Act requires that most telephones manufactured in, or imported for use in, the United States after August 16, 1989 be hearing aid compatible. In compliance with that directive, the FCC initiated a further proceeding which tailored proposed rule changes to the HAC Act. Further Notice of Proposed Rulemaking in CC Docket 87–124, FCC 89–55, 4 FCC Rcd 2250 (1989). The FCC thereafter adopted its Order which amended rule § 68.3, revised §§ 68.4 and 68.224, and added § 68.5 to part 68 of the rules. First Report and Order in CC Docket 87–124, FCC 89–137, 4 FCC Rcd 4596 (1989). In that Order, the FCC decided that because Congress had enacted a law requiring nearly all future telephones to be compatible with hearing aids, redefining "essential" telephones to include workplace telephones in common areas was unwarranted. With regard to credit card telephones, the FCC observed that under existing FCC rules, telephones must be HAC unless a HAC coin operated telephone is "nearby and readily available." 47 CFR 68.112(c)(1). It noted also that the HAC Act did not require it to expand the definition of "essential" telephones to include credit card-operated units.

Reconsideration

5. Petitioners seeking partial reconsideration of the Order content that the FCC erred, and ask that it reconsider its decision not to expand the definition of "essential" telephones to include workplace telephones in common areas and all credit card operated telephones, as initially proposed. Petitioners ask also that the FCC require that (1) all workplace telephones be hearing aid compatible, (2) all hospital, hotel and motel telephones be hearing aid compatible, and (3) that the minimal acceptable field strength of HAC telephones be increased.

6. Upon reconsidering the matter, the FCC finds that the Order did not fully consider certain requirements of the HAC Act consistent with potential benefits to the hearing impaired. In this MO&O, the FCC (1) grants petitioners' request that all credit card and common area telephones be made hearing aid compatible, and (2) grants petitioners' request that we go beyond the initial proposal to reach all workplace, hospital, hotel and motel telephones to the extent we propose to adopt a rule that would treat nearly all "essential" telephones as emergency (the effect being to advance the time at which these telephones will be HAC).

Final Regulatory Flexibility Analysis

Need and Purpose of the MO&O

The regulations affected by this MO&O were required by the Hearing Aid Compatibility Act of 1988. On reexamination of the rules adopted pursuant to that Act, the Commission finds that certain amendments are necessary to fulfill the goals established by Congress.

Ordering Clause for MO&O

It is ordered, pursuant to sections 1, 4(i) and 710 of the Communications Act, as amended, 47 U.S.C. 151, 154(i) and 610, that part 68 of the Commission's Rules and Regulations is amended as set forth below. The rule amendments adopted herein shall become effective 60 days after publication in the Federal Register.

It is further ordered, that the petition for partial reconsideration filed by Petitioners is granted in part, to the extent indicated herein, but is otherwise denied.

List of Subjects in 47 CFR Part 68

Hearing aid-compatible telephones; Hearing aid-compatibility; Telephone.

Memorandum Opinion and Order

Part 68 of the Commission's Rules and Regulations (Chapter 1 of title 47 of the Code of Federal Regulations, part 68) is amended as follows:

1. The authority citation for part 68 continues to read as follows:

Authority: Secs. 4, 5, 303, 48 Stat., as amended, 1066, 1068, 1082; [47 U.S.C. 154, 155, 303].

2. Section 68.4(a)(2) is revised to read as follows:

§ 68.4 Hearing aid-compatible telephones.

(a) * * *

(2) Unless otherwise stated and except as provided in § 68.112(c)(3), every telephone installed on or after January 1, 1985, which is subject to § 68.112 must be hearing aid-compatible.

* * * * *

3. Section 68.112 is amended by removing paragraph (c)(1); redesignating paragraphs (c)(2), (c)(3), (c)(4) and (c)(5) as (1), (2), (3) and (4); adding paragraph (b)(4) and revising current paragraph (b)(1) and republishing the introductory text of paragraph (b) to read as follows:

§ 68.112 Hearing aid compatibility.

* * * * *

(b) *Emergency use telephones.* Telephones "provided for emergency use" include the following:

(1) Telephones in places where a person with impaired hearing might be isolated in an emergency, including, but not limited to, elevators, automobile, railroad or subway tunnels, highways and common areas of the workplace, including libraries, reception areas, and similar locations where employees are reasonably expected to congregate. Telephones located in common areas of the workplace are required to be hearing aid-compatible no later than May 1, 1991.

* * * * *

(4) All credit card operated telephones, whether located on public

property or in a semipublic location (e.g. drugstore, gas station, private club), unless a hearing aid-compatible coin-operated telephone providing similar services is nearby and readily available. However, regardless of coin-operated telephone availability, all credit card operated telephones must be made hearing aid compatible when replaced, or by May 1, 1991, which ever comes sooner.

* * * * *

Federal Communications Commission.

Donna R. Searcy,

Secretary.

[FR Doc. 90-16336 Filed 7-12-90; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 18

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 228

RIN 1018-AB16

Incidental Take of Marine Mammals; Definition of Citizen of the United States

AGENCIES: U.S. Fish and Wildlife Service, Interior; National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Commerce.

ACTION: Final rule.

SUMMARY: Regulations are issued to modify the definition of " 'Citizen of the United States' and 'U.S. citizen' " in 50 CFR 18.27(c) and 228.3 by deleting the requirement that corporations and similar entities be controlled by individuals who are citizens of the United States. Limiting the definition to organizations "controlled by U.S. citizens" was incorporated without explanation when regulations implementing section 101(a)(5) of the Marine Mammal Protection Act were promulgated in 1982. Without this change, Federal revenues from offshore leasing bonus bids could be reduced by up to several hundred million dollars annually.

EFFECTIVE DATE: August 13, 1990.

FOR FURTHER INFORMATION CONTACT: Robert A. Peoples, Jr., Division of Fish and Wildlife Management Assistance, U.S. Fish and Wildlife Service, Department of the Interior, Mail Stop—820 Arlington Square, 18th and C Streets, NW., Washington, DC 20240, (703) 358-1718, or Patricia Montanio, Protected Species Management Division, Office of Protected Resources and Habitat Programs, National Marine Fisheries Service, 1335 East-West Highway, Silver Spring, MD 20910, (301) 427-2322.

SUPPLEMENTARY INFORMATION: This revision of 50 CFR 18.27 and part 228 allows Letters of Authorization to take small numbers of marine mammals incidental to a specific activity pursuant to section 101(a)(5) of the Marine Mammal Protection Act of 1972 (Act, 16 U.S.C. *et seq.*) to be granted to corporations and similar entities organized under laws of the United States or any State law, even though not controlled by citizens of the United States. Limiting the definition to organizations "controlled by U.S. citizens" was incorporated without explanation when regulations implementing section 101(a)(5) of the Act were promulgated by the National Marine Fisheries Service in 1982. The requirement that corporations and similar entities be organized under United States or any State law, and therefore subject to United States jurisdiction, will be retained to ensure these entities are accountable for their actions and to maintain consistency with the Act.

The Act prohibits all taking of marine mammals, including harassment, unless specifically allowed under provisions of the Act. In 1981, the Act was amended to add section 101(a)(5) authorizing the Secretaries of Commerce and the Interior to allow "citizens of the United States" to engage in specified activities (other than commercial fishing) within specific geographic regions during periods of not more than 5 consecutive years that result in the incidental, but not intentional, taking of small numbers of non-depleted marine mammals.

In early 1982, the National Marine Fisheries Service proposed "Regulations Governing Small Takes of Marine Mammals Incidental to Specified Activities" (50 CFR part 228) to implement the new provisions of the Act (47 FR 9027). In response to comments, a definition of " 'Citizen of the United States' and 'U.S. citizen' " was added without explanation or opportunity for comment in the final regulations published in May 1982 (47 FR 21248). "Regulations Governing Small Takes of Marine Mammals Incidental to Specified Activities" (50 CFR 18.27) virtually identical to those adopted by the National Marine Fisheries Service were promulgated by the U.S. Fish and Wildlife Service in July 1983 (48 FR 31220).

Both sets of regulations established standards and procedures for determining whether the taking of small numbers of non-depleted marine mammals incidental to specified activities (other than commercial fishing) should be allowed and included the following definition:

> "Citizens of the United States" and "U.S. citizens" means individual U.S. citizens or any partnership, corporation, association, or similar entity if it is organized under the laws of the United States or any governmental unit defined in 16 U.S.C. 1362(13) and controlled by individuals who are U.S. citizens. U.S. Federal, State, and local government agencies shall also constitute citizens of the United States for purposes of this section.

Under this definition, foreign controlled corporations and similar entities, including their subsidiaries, cannot obtain Letters of Authorization necessary to proceed with specific activities that may result in the incidental taking of marine mammals under United States jurisdiction.

The U.S. Fish and Wildlife Service and the National Marine Fisheries Service jointly proposed to amend the incidental take framework regulations on March 15, 1988 (53 FR 8473). That rule, which did not address the definition of citizen of the United States, was proposed to implement amendments to section 101(a)(5) of the Act adopted in 1986. The 1986 amendments authorized the issuance of specific regulations for the incidental take of depleted, as well as non-depleted, marine mammals.

In commenting on the proposed rule, the American Petroleum Institute, Minerals Management Service and several other entities stated that the existing definition of citizen of the United States as applied to a corporation is unduly restrictive since it requires control by American citizens. The commenters also noted that the definition of citizen of the United States in the marine mammal incidental take regulations is inconsistent with regulatory practice under the Outer Continental Shelf Lands Act which requires only that a corporation be organized under the laws of the United States (i.e., be subject to United States jurisdiction). They believe that the Congress intended that all holders of offshore leases be permitted to receive Letters of Authorization under the Act and, therefore, that the definition in the marine mammal regulations should be consistent with Outer Continental Shelf Lands Act regulatory practice.

In response to those comments, the U.S. Fish and Wildlife Service and the National Marine Fisheries Service jointly proposed on August 17, 1989 (54 FR 33494) to modify the definition of " 'Citizen of the United States' and 'U.S. citizen' " in 50 CFR 18.27(c) and 228.3. The preamble of that proposed rule noted that the clear language in section 101(a)(5) of the Marine Mammal Protection Act only authorizes United States citizens to take marine mammals incidental to specified activities (other than commercial fishing). However, there is no suggestion in the Act or its legislative history that Congress intended to preclude corporations or similar entities organized under United States or any State law from qualifying as United States citizens.

Generally, corporations and similar entities that are organized under, and therefore subject to, United States or State laws are considered persons in a legal sense and are afforded many of the same rights as individual citizens of the United States regardless of who owns or controls the entity. Similarly, for purposes of section 101(a)(5) of the Act, corporations and similar entities organized under United States or State laws should be considered citizens of the United States without restriction as to controlling interest.

In extending this definition to include all corporations and similar entities, it is desirable to avoid situations where non-citizens can circumvent the intent of the statute to limit the availability of incidental take Letters of Authorization to United States citizens. By similar entities, therefore, the Services mean only those entities recognized under United States or State laws to be legal persons for purposes of legal jurisdiction and legal liability. Most, if not all, corporations or similar entities created pursuant to State or Federal law would meet this requirement. Therefore, reference to partnerships and associations is deleted from the definition. This would not preclude individuals who are United States citizens or corporations organized under United States or any State law from forming a partnership or other associations since they would be considered as applying in their capacity as United States citizens or corporations.

The August 17, 1989, proposed rule concluded that the requirement in the definition of "United States citizen" that corporations and similar entities must be controlled by individuals who are United States citizens appeared to be unduly restrictive without any corresponding benefits to marine mammals. In addition, it could adversely affect otherwise acceptable activities and substantially reduce revenues from the sale of offshore oil and gas leases. Elimination of this limitation in the definition of United States citizen appeared to be warranted and desirable.

Three written comments addressing the proposed rule were submitted. All endorsed the proposed modificaton of the definition of " 'Citizen of the United States' and 'U.S. citizen' " in existing regulations implementing section 101(a)(5) of the Act.

Regulatory Change

This amends the definition of " 'Citizen of the United States' and 'U.S. citizen' " in 50 CFR 18.27(c) and 228.3 by deleting the requirement that corporations and similar entities be "controlled by individuals who are U.S. citizens." Consistent with the discussion in the preamble, the reference to partnerships and associations in the definition is also deleted. These revisions allow Letters of Authorization to incidentally take marine mammals to be granted to corporations and similar entities not controlled by United States citizens. The requirement that corporations and similar entities be organized under United States or any State law, and therefore subject to United States jurisdiction, is retained.

Classification

The Department of the Interior, as the lead agency, has prepared an environmental assessment of this rule. On the basis of this assessment, it has been determined that this is not a major Federal action significantly affecting the quality of the human environment within the meaning of section 102(2)(C) of the National Environmental Policy Act of 1969. Therefore, an environmental impact statement need not be prepared. Section 101(a)(5) of the Marine Mammal Protection Act, and implementing regulations, require that the impacts of any authorized incidental take on marine mammal publications be negligible and that there be no unmitigatable adverse impacts on their use for subsistence purposes. The modification of the definition of "citizen of the United States" does not alter this standard.

It has been determined that these regulations constitute a major rule as defined in Executive Order 12291. Without the change, Federal revenues from offshore leasing bonus bids could be reduced by up to several hundred million dollars annually. However, considering time constraints and the nature of the rulemaking, the Office of Management and Budget, consistent with section 6(a)(4) of the Executive Order, has waived the requirement for preparation of a Regulatory Impact Analysis.

The Department of the Interior has certified under terms of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) that the regulations will not have a significant economic impact on a substantial number of small entities. Most requests for specific regulations to incidentally take marine mammals under the revised regulations are, as at present, likely to be from oil and gas companies and firms in related industries; they would not be considered small entities under the Regulatory Flexibility Act.

This rule does not contain an information collection requirement subject to Office of Management and Budget clearance under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

The analyses under the National Environmental Policy Act, Executive Order 12291 and the Regulatory Flexibility Act are available for review (see **FOR FURTHER INFORMATION CONTACT**).

The primary author of this rule is Robert A. Peoples, Jr., Department of Interior.

List of Subjects

50 CFR Part 18

Administrative practice and procedure, Alaska, Exports, Imports, Intergovernmental relations, Marine mammals, Transportation.

50 CFR Part 228

Marine mammals, Reporting and recordkeeping requirements.

Regulation Promulgation

Accordingly, the Service amends 50 CFR parts 18 and 228 as shown below.

PART 18—MARINE MAMMALS

1. The authority citation for 50 CFR part 18 continues to read as follows:

Authority: 16 U.S.C. 1361 *et seq.*

2. Section 18.27(c) is amended by revising the definition of " 'Citizens of the United States' and 'U.S. citizens' " to read as follows:

§ 18.27 Regulations governing small takes of marine mammals incidental to specified activities.

* * * * *

(c) * * *

Citizens of the United States and *U.S. citizens* mean individual U.S. citizens or any corporation or similar entity if it is organized under the laws of the United States or any governmental unit defined

in 16 U.S.C. 1362(13). U.S. Federal, State and local government agencies shall also constitute citizens of the United States for purposes of this section.

* * * * *

PART 228—REGULATIONS GOVERNING SMALL TAKES OF MARINE MAMMALS INCIDENTAL TO SPECIFIED ACTIVITIES

3. The authority citation for 50 CFR part 228 continues to read as follows:

Authority: 16 U.S.C. 1361 *et seq.*

4. Section 228.3 is amended by revising the definition of "Citizens of the United States and U.S. citizens" to read as follows:

§ 228.3 Definitions.

* * * * *

Citizens of the United States and *U.S. citizens* mean individual U.S. citizens or any corporation or similar entity if it is organized under the laws of the United States or any governmental unit defined in 16 U.S.C. 1362(13). U.S. Federal, State and local government agencies shall also constitute citizens of the United States for purposes of this Part.

* * * * *

Dated: May 22, 1990.

Bruce Blanchard,

Deputy Director, U.S. Fish and Wildlife Service.

William W. Fox, Jr.

Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration.

[FR Doc. 90-16320 Filed 7-12-90; 8:45 am]

BILLING CODE 3510-22-M; 4310-55-M

Proposed Rules

Federal Register
Vol. 55, No. 135
Friday, July 13, 1990

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 1007

[DA-90-023]

Milk in the Georgia Marketing Area; Notice of Proposed Suspension of Certain Provisions of the Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed suspension of rule.

SUMMARY: This notice invites written comments on a proposal to suspend for the month of August 1990 certain provisions of the Georgia Federal milk marketing order. The proposed suspension would make inoperative the requirement that producers be paid on the basis of a base and excess payment plan for the month of August 1990. A cooperative association requested the suspension because the current provisions tends to discourage milk production at a time when milk production is declining.

DATES: Comments are due no later than July 30, 1990.

ADDRESSES: Comments (two copies) should be filed with the USDA/AMS/Dairy Division, Order Formulation Branch, room 2968, South Building, P.O. Box 96456, Washington, DC 20090-6456.

FOR FURTHER INFORMATION CONTACT: Robert F. Groene, Marketing Specialist, USDA/AMS/Dairy Division, Order Formulation Branch, room 2968, South Building, P.O. Box 96456, Washington, DC 90090-6456, (202) 447-2089.

SUPPLEMENTARY INFORMATION: The Regulatory Flexibility Act (5 U.S.C. 601-612) requires the Agency to examine the impact of a proposed rule on small entities. Pursuant to 5 U.S.C. 605(b), the Administrator of the Agricultural Marketing Service has certified that this proposed action would not have a significant economic impact on a substantial number of small entities. Such action would tend to encourage milk production during the month of August which is a month of declining milk production.

This proposed rule has been reviewed by the Department in accordance with Departmental Regulation 1512-1 and the criteria contained in Executive Order 12291 and has been determined to be a "non-major" rule.

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), the suspension of the following provisions of the order regulating the handling of milk in the Georgia marketing area is being considered for August 1990:

1. In § 1007.32, paragraph (a).
2. In § 1007.61 (a) the words "of September through January".
3. In § 1007.61, paragraph (b).

All persons who want to send written data, views or arguments about the proposed suspension should send two copies of them to the USDA/AMS/Dairy Division, Order Formulation Branch, room 2968, South Building, P.O. Box 96456, Washington, DC 90090-6456, by the 15th day after publication of this notice in the **Federal Register.**

The comments that are sent will be made available for public inspection in the Dairy Division during normal business hours (7 CFR 1.27(b)).

Statement of Consideration

The proposed suspension would make inoperative the requirement that producers be paid on the basis of the base and excess plan for the month of August 1990. The proposal was submitted by Dairymen, Inc. (DI), a cooperative association of producers having a substantial amount of milk pooled on the Georgia milk market. In support of its proposal, the cooperative said the suspension is needed to remove a conflict which currently exists between the order provisions and the need for additional milk in this market for the month of August.

DI said that the current order provisions provide that producers, for the months of February through August, be paid a base and excess price. The proponent cooperative said that this plan was designed to encourage milk production during the base-building months of September through January when a greater volume of milk is needed for fluid use, and to discourage additional production (excess milk) during the months of February through August when the additional milk production is not needed for fluid use.

DI said that marketing conditions have changed since those provisions were adopted in the Georgia order. In recent years, milk production during the month of August has been in short supply. DI believes that production should not be discouraged through the payment of the excess price for additional production during the month of August.

Accordingly, it may be appropriate to suspend the aforesaid provisions for the month of August 1990.

List of Subjects in 7 CFR Part 1007

Milk marketing orders.

The authority citation for 7 CFR part 1007 continues to read as follows:

Authority: Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674.

Signed at Washington, DC on July 9, 1990.

Kenneth Clayton,

Acting Administrator.

[FR Doc. 90-16433 Filed 7-12-90; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

[INS No. 1261-90]

8 CFR Part 214 and 274a

Nonimmigrant Classes; Student Employment Authorization Procedures

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Proposed rule.

SUMMARY: This rule amends the student employment authorization procedures to conform with the implementing regulations of the Immigration Reform and Control Act (IRCA) of 1986. Form I-538, which is currently used by students to apply for employment authorization, will be replaced by Form I-765. Students seeking employment must apply to the Immigration and Naturalization Service for an Employment Authorization Document (EAD).

DATES: Comments must be received no later than August 13, 1990.

ADDRESSES: Please submit written comments in triplicate, to the Director,

Office of Policy Directives and Instructions, Immigration and Naturalization Service, room 2011, 425 I Street NW., Washington, DC 20536. Please include INS Number 1261-90 on the mailing envelop to ensure proper handling.

FOR FURTHER INFORMATION CONTACT: Pearl B. Chang, Senior Immigration Examiner, Immigration and Naturalization Service, 425 I Street, NW., Washington, DC 20536, Telephone: (202) 514-3043.

SUPPLEMENTARY INFORMATION:

Background

Under current student regulations, employment-granting authority is delegated to designated school officials (DSO) at the institution where an F-1 student is attending school. After verifying a student's eligibility for practical training, a DSO may authorize employment on the student's Form I-20 ID Copy. An F-1 student must apply to the Service for employment authorization when he or she seeks approval for off-campus employment or the second period of practical training after the completion of studies. Form I-20 ID Copy with appropriate endorsement by the DSO is recongized as one of a dozen acceptable employment authorization documents.

To facilitate document recognition by employers, the Service is issuing a new Employment Authorization Document (EAD). Under title 8, Code of Federal Regulations, certain nonimmigrant aliens seeking employment in the United States must apply to the Service for the EAD. The application must be made in accordance with the instructions on Form I-765. Accordingly, student employment regulations under §214.2(f)(9) and (10) must be amended to reflect the procedural changes mandated by IRCA regulations at §274a.12(c).

The Service began implementing the EAD project at offices within the Eastern Region beginning in Baltimore, Maryland, in November, 1989. The EAD project will be gradually phased in to approximately 200 INS sites across the United States.

Proposed Changes

Under this rule, DSOs will no longer authorize employment. Instead, they will recommend that eligible students be authorized employment for the purpose of practical training. The Service will issue an EAD upon review of the recommendations of the DSOs. To recommend practical training for eligible students, DSOs must still certify Form I-538 and endorse Form I-20 ID Copy pursuant to existing regulatory requirements. They will not have to send the certified Form I-538 to the INS data processing center any longer since it is now used only as a supporting document to the standard application for employment authorization, Form I-765.

Changes have also been made in the procedure for post-completion practical training. For convenience, post-completion practical training will now be adjudicated in one application. An F-1 student seeking post-completion practical training must now include in the employment authorization application a letter from a prospective employer describing job duties and employment dates. The employment authorization application must be filed within a seven-month period beginning 30 days before and ending 180 days after the completion of the course of study. Upon receipt of the application, the Service will grant employment authorization for the maximum period allowed for post-completion practical training under §214.2(f)(10)(ii)(D).

This rule does not change the procedures DSOs follow for recommending off-campus employment for F-1 students. DSOs will continue to certify Form I-538 for F-1 students seeking off-campus employment for economic necessity pursuant to 8 CFR 214.2(f)(9)(ii). When applying to the Service for off-campus employment, an F-1 student must include a certified Form I-538 in support of the application for employment authorization on Form I-765. DSOs will also continue to certify Form I-538 for M-1 students seeking employment authorization for practical training from the Service in accordance with 8 CFR 214.2(m)(14). An M-1 student seeking employment authorization from the Service must submit the certified Form I-538 as a supporting document to the application on Form I-765.

Paperwork Burden

To support the application for employment authorization on Form I-765, a student applicant is only required to submit the school certification portion of Form I-538. The Service is in the process of revising Form I-538 to avoid the collection of duplicate information. Since the employment application function of Form I-538 will be assumed by Form I-765, the revised Form I-538 will be retitled as an application for extension of stay or school transfer. The School Certification portion of the revised Form I-538 will be a tear-off page which may be used independently as supporting document to the application for employment authorization on Form I-765. Overall, the paperwork required for students, schools or employers will be no more burdensome than the current practice.

Streamlining Current Procedure

1. Second Period of Practical Training

The current regulation requires that students who have been granted authorization for the first period of practical training apply to the Service for authorization to continue the second period (six months) of training within 30 days of beginning employment. The application must include a letter from the employer clearly stating the terms of the employment and a certification by the DSO. The 30-day filing requirement was intended to give the Service sufficient time to adjudicate the application before the student's first period employment authorization expired. However, many students have lost the opportunity for a second period of practical training because they could not meet the 30-day filing deadline. Students and schools have requested that the Service modify this procedure to allow more flexibility. Moreover, the current practice of maintaining two separate segments of practical training would result in considerable hardship for the students once the EAD is implemented. Having two separate periods of post-completion practical training would mean filing two applications and paying two fees of $35 each. Since all applicants for EADs must appear in person, to would also mean that the students would have to make two trips to the nearest Service office. For some students, this could mean several hundred miles of travel each time. The Service is concerned about the travel burden this would impose on the students.

To resolve these problems, the Service proposes to combine the two six months segments of practical training into one comprehensive period, thus eliminating the second application, the 30-day filing requirement, a second filing fee and a second trip to the Service (to get a new EAD).

2. Educating the Employers

Under the proposed rule, a student will have seven months to seek employment and to apply for the EDA following a recommendation for employment by his or her DSO. The student would use the DSO's recommendation as evidence of eligibility for practical training. The Service will make available copies of a general notice to employers on INS letterhead stationary explaining the revised F-1 student employment authorization procedures. Copies of this

notice will be distributed by mail to all schools approved by the Service for attendance by foreign students. (The Service successfully reached employers with the same approach in 1987 when the initial version of the employer sanctions regulation inadvertently left out Form I-20 ID Copy from the list of acceptable employment authorization documents.) The Service is committed to bringing about these changes in the least disruptive way. The proposed rule, if adopted, will be implemented only after the Service has sent copies of the finalized rule and the notice to employers to all schools authorized to accept foreign students. The Service will allow sufficient time for the public to become familiar with the new rule. The Service will continue to honor employment authorizations, granted before the effective date of the final rule, on Form I-20 ID Copies.

3. Expeditious Processing

The Service is aware that the educational community is concerned with the manner in which EAD applications by students will be handled at the district level. The Service also recognizes that the successful implementation of the EAD program for students depends largely on our ability to process the applications expeditiously. To ensure that applications will be turned around quickly so that students do not miss the opportunity for practical training, the Service will instruct its field office to give preferential handling to students.

Solicitation of Public Comments

As stated earlier, the proposed rule modification was prompted by the revisions in the Service's IRCA regulations. The Service understands that the proposed changes will fundamentally alter the way students are authorized employment. As always, changes such as these may have a profound impact on the lives of those affected. Since the time the schools were first advised of the contemplated changes, the Service has received many letters expressing concern that the implementation of the EAD would cause a reduction in foreign student enrollment and a loss of revenues. The Service has weighed all these concerns and its own requirements, and tried to balance all of them in the proposal presented here. Therefore, the proposed rule is being offered as a basis for public comments and suggestions.

In accordance with 5 U.S.C. 605(b), the Commissioner of Immigration and Naturalization certifies that this rule will not have a significant economic impact on the substantial number of small entities. This rule is not a major rule within the meaning of section 1(b) of Executive Order 12291, nor does this rule have Federalism implications warranting the preparation of a Federalist Assessment in accordance with Executive Order 12612.

The information collection requirements contained in this regulation have been cleared by the Office of Management and Budget (OMB) under provision of the Paperwork Reduction Act. The Office of Management and Budget control numbers for these collections are contained in 8 CFR 299.5.

List of Subjects

8 CFR Part 214

Administrative practice and procedure, Aliens, Authority delegation, Employment, Organization and functions, Passports and visas.

8 CFR Part 274a

Administrative practice and procedures, Aliens.

Accordingly, part 214 of chapter I of title 8 of the Code of Federal Regulations will be amended as follows:

PART 214—NONIMMIGRANT CLASSES

1. The authority citation for part 214 continues to read as follows:

Authority: 8 U.S.C. 1101, 1103, and 1184, 1186a, 1187, and 8 CFR part 2.

2. Section 214.2 is amended by revising the sixth sentence in paragraph (f)(9)(ii), removing the first four sentences and adding three sentences in their place to paragraph (f)(9)(iii), revising the first sentence in paragraph (m)(14)(ii), by reserving (f)(9)(vii) and adding a new paragraph (f)(9)(viii), and by revising paragraphs (f)(10)(i)(C), (f)(10)(ii) (B), (C), and (D), (f)(11), and (m)(14)(iii) to read as follows:

§ 214.2 Special requirements for admission, extension, and maintenance of status.

* * * * *

(f) * * *

(9) * * *

(ii) * * * An F-1 student who has been in a program for more than one year must apply for employment authorization on a Form I-765 accompanied by the student's Form I-20 ID Copy and a certified Form I-538. * * *

(iii) *Conditions for off-campus employment.* When the student's request for off-campus employment is approved, he or she will be issued an employment authorization document. The employment authorization will be granted for one year at a time. Off-campus employment authorized under this section must not exceed 20 hours a week while school is in session.* * *

* * * * *

(viii) *Summer internship with an international organization.* A bona fide F-1 student who has been granted a summer internship by a recognized international organization within the meaning of the International Organization Immunities Act may apply to the Service for employment authorization pursuant to paragraph (f)(11)(i) of this section.

(10) * * *

(i) * * *

(C) *Action on request for recommendation for practical training.* Upon receipt of a request for recommendation for pre-completion practical training, a designated school official must:

(*1*) Certify on Form I-538 that the proposed employment is for the purpose of practical training, that it is related to the student's course of study and that, to his or her best knowledge, comparable employment is not available in the student's home country;

(*2*) Endorse the student's I-20 ID Copy to show that precompletion practical training is recommended from (date) to (date); and

(*3*) Return to the student the endorsed Forms I-538 and I-20 ID Copy along with the prospective employer's letter.

* * * * *

(ii) * * *

(B) *Request for recommendation for post completion practical training.* A student may request recommendation for practical training during a 90-day period which begins 30 days before and ends 30 days after the completion of the course of study. A student requesting recommendation for post completion practical training must submit to the designated school official the following documents:

(*1*) A completed Form I-538;

(*2*) A current I-20 ID Copy; and

(*3*) A certification from the head of the student's academic department or the professor who is the student's academic advisor stating that upon his or her information and belief, employment comparable to the proposed employment is not available to the student in the country of the student's foreign residence.

(C) *Action on request for recommendation for practical training.* Upon receipt of a request for recommendation for post completion practical training, a designated school official must:

(1) Certify on Form I-538 that the proposed employment is for the purposes of practical training, that it is related to the student's course of study and that, to his or her best knowledge, comparable employment is not available in the student's home country;

(2) Endorse the student's I-20 ID Copy to show that practical training in the student's major field of study is recommended; and

(3) Return to the student the endorsed Forms I-538 and I-20 ID Copy.

(D) *Computation dates for post-completion practical training.* A student may have a maximum of 12 months of post-completion practical training. For purposes of computation, the employment authorization begins on the date the student starts employment (as stated in the prospective employer's letter) and ends 12 months from the beginning date. However, a student must in any event complete practical training within a 14-month period following completion of studies.

* * * * *

(11) *Employment authorization and decision on application for Employment Authorization Document*—(i) *General.* As required by the regulations at 8 CFR 274a, an F-1 student seeking off-campus employment or practical training under paragraphs (f)(9) or (f)(10) of this section may not accept employment until he or she has been issued an Employment Authorization Document (EAD) by the Service. To apply for an EAD, a student must submit, in accordance with the instructions on Form I-765, to the Service office having jurisdiction over his or her school, the following documents:

(A) A completed Form I-765 with fee;

(B) A Form I-538 with appropriate certification by the DSO on page 2;

(C) A properly endorsed Form I-20 ID Copy; and

(D) A letter from the prospective employer describing the duties of the contemplated employment, stating the occupation and the dates on which the employment will begin and end.

(ii) *Decision on application for extension.* The district director shall notify the applicant of the decision and, if the application is denied, of the reason or reasons for the denial. The applicant may not appeal the decision.

* * * *

(m) * * *

(14) * * *

(ii) *Application.* An M-1 student must apply for permission to accept employment for practical training on Form I-765 accompanied by the student's Form I-20 ID Copy and a certified Form I-538. * * *

* * * * *

(iii) *Duration of practical training.* When the student is authorized to engage in employment for practical training, he or she will be issued an employment authorization document. The M-1 student may not begin employment until he or she has been issued an employment authorization document by the Service. One month of employment authorization will be granted for each four months of full-time study that the M-1 student has completed. However, an M-1 student may not engage in more than six months of practical training in the aggregate. The student will not be granted employment authorization if the he or she cannot complete the requested practical training within six months.

* * * * *

PART 274a—CONTROL OF EMPLOYMENT OF ALIENS

3. The authority citation of part 274a continues to read as follows:

Authority: 8 U.S.C. 1101, 1103, 1324a; 8 CFR part 2.

4. Section 274a.12 is amended by revising paragraphs (c)(3) and (c)(6) to read as follows:

§ 274a.12 Classes of aliens authorized to accept employment.

* * * * *

(c) * * *

(3) A nonimmigrant (F-1) student who:

(i) Is seeking off-campus employment authorization due to economic necessity pursuant to § 214.2(f) of this chapter and who presents Form I-538 endorsed by the designated school official and Form I-20 ID Copy;

(ii) Is seeking employment for purposes of practical training (including curricular practical training) pursuant to § 214.2(f) of this chapter, provided the alien will be employed only in an occupation which is directly related to his or her course of studies and that he or she presents Form I-538 endorsed by the designated school official and Form I-20 ID Copy; or

(iii) Has been offered employment under the sponsorship of an international organization within the meaning of the International Organization Immunities Act (59 Stat. 669) and who presents a written certification from the international organization that the proposed employment is within the scope of the organization's sponsorship; (the F-1 student must also present Form I-538 bearing the certification and endorsement of the designated school official and Form I-20 ID Copy);

* * * * *

(6) A nonimmigrant (M-1) student seeking employment for practical training pursuant to § 214.2(m) of this chapter following completion of studies. The alien may be employed only in an occupation or vocation directly related to his or her course of study as recommended by the endorsement of the designated school official on Form I-538 and on Form I-20 ID Copy;

* * * * *

Dated: April 17, 1990.

James A. Puleo,

Acting Associate Commissioner, Examinations, Immigration and Naturalization Service.

[FR Doc. 90-16361 Filed 7-12-90; 8:45 am]

BILLING CODE 1108-10-M

DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service

9 CFR Parts 308, 318, 320 and 381

[Docket No. 89-007E]

RIN 0583-AB14

Processing, Distribution, Storage, and Retail Handling of Ready-to-Eat, Uncured, Perishable Meat and Poultry Products Packaged in Sealed Containers

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Advance notice of proposed rulemaking; extension of request for comments.

SUMMARY: On May 14, 1990, the Food Safety and Inspection Service (FSIS) published an advance notice of proposed rulemaking requesting comments, information, scientific data and recommendations on whether it should propose new regulations governing ready-to-eat, uncured, perishable meat and poultry products which are packaged in a variety of sealed containers bearing a "Perishable, Keep Refrigerated," or similar label statement. The comment period was scheduled to close on July 13, 1990. FSIS has received requests to extend the comment period so that additional data and information can be provided. FSIS has determined that the request should be granted and, therefore, is extending the comment period for an additional 90 days.

DATE: October 11, 1990.

ADDRESSES: Written comments to: Policy Office, ATTN: Linda Carey, FSIS

Hearing Clerk, room 3171, South Agriculture Building, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, DC 20250. Oral comments as provided by the Poultry Products Inspection Act should be directed to Dr. Karen Wesson, at (202) 447-3840.

FOR FURTHER INFORMATION CONTACT: Dr. Karen Wesson, Acting Director, Processed Products Inspection Division, Science and Technology, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, DC 20250, (202) 447-3840.

SUPPLEMENTARY INFORMATION: In response to the increased consumer demand for fresh convenience foods, the meat and poultry industry has begun producing an increasing variety of ready-to-eat, uncured, perishable products packaged in sealed containers bearing a "Perishable, Keep Refrigerated," or similar label statement. These products are processed and packaged so as to destroy or retard the growth of spoilage-type microorganisms in order to extend product refrigerated shelf life. In many cases, product shelf life claims are significantly longer than similar products familiar to consumers. Moreover, these products normally are marketed as "ready-to-eat," meaning consumers are likely to apply little or no additional heat to the product before consumption.

Many regulatory and public health officials believe that such products, when improperly processed or handled, pose certain unique risks to consumers which, coupled with the increasing prevalence of these products, may warrant additional regulatory action by FSIS.

On May 14, 1990, FSIS published an advance notice of proposed rulemaking (56 FR 19888) requesting comments, information, scientific data, and recommendations on whether it should propose new regulations governing ready-to-eat, uncured, perishable meat and poultry products which are packaged in a variety of sealed containers bearing a "Perishable, Keep Refrigerated," or similar label statement.

Interested persons were given until July 13, 1990, to comment in response to this advance notice of proposed rulemaking. FSIS has received requests to extend the comment period to allow additional time for data and information to be gathered and submitted. FSIS is interested in receiving this information and is, therefore, extending the comment period for an additional 90 days.

Done at Washington, DC, on July 9, 1990.

Lester M. Crawford,

Administrator, Food Safety and Inspection Service.

[FR Doc. 90-16323 Filed 7-12-90; 8:45 am]

BILLING CODE 3410-DM-M

NUCLEAR REGULATORY COMMISSION

10 CFR Part 60

[Docket No. PRM-60-3]

Department of Energy; Receipt of Petition for Rulemaking

AGENCY: Nuclear Regulatory Commission.

ACTION: Petition for rulemaking; Notice of receipt.

SUMMARY: The Nuclear Regulatory Commission (NRC) is publishing for public comment a notice of receipt of a petition for rulemaking which was filed by the U.S. Department of Energy (DOE). The petitioner requests that the NRC amend its regulations pertaining to the disposal of high-level radioactive wastes in geologic repositories to include a specific dose criterion for design basis accidents. The petitioner believes this would facilitate the development and licensing of a geologic repository for high-level radioactive waste.

DATES: Submit comments by October 11, 1990. Comments received after this date will be considered if it is practical to do so but the Commission is able to ensure consideration only for comments received on or before this date.

ADDRESSES: Submit written comments to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch.

For a copy of the petition, write the Regulatory Publications Branch, Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

The petition and copies of comments received may be inspected and copied for a fee at the NRC Public Document Room, 2120 L Street NW., (Lower Level), Washington, DC.

FOR FURTHER INFORMATION CONTACT: Michael T. Lesar, Chief, Rules Review Section, Regulatory Publications Branch, Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Telephone: 301-492-7758 or Toll Free: 800-368-5642.

SUPPLEMENTARY INFORMATION:

Background

On April 19, 1990, the U.S. Department of Energy (DOE) filed a petition for rulemaking with the Commission. Pursuant to 10 CFR 2.802, this petition was docketed by the Commission on April 26, 1990, and has been assigned Docket No. PRM-60-3.

The petition pertains to the requirements that would apply to DOE as the licensee for a geologic repository for high-level radioactive waste developed pursuant to the Nuclear Waste Policy Act, as amended, 42 U.S.C. 10101 et seq. As a licensee, DOE would be subject to the licensing requirements contained in 10 CFR part 60. In its petition, DOE observes that § 60.21(c)(3)(ii) requires that the Safety Analysis Report for a repository include a description and analysis that considers "the adequacy of structures, systems, and components provided for the prevention of accidents and mitigation of the consequences of accidents, including those caused by natural phenomena," yet part 60 does not provide numerical dose criteria to use in identifying the need for engineered safety features and for determining their adequacy. The petitioner believes that specific accident dose criteria are necessary to reduce the uncertainties in the current regulation and to provide specific guidance for the protection of public health and safety.

The Suggested Amendments

The petitioner requests that the NRC amend 10 CFR part 60 to include quantitative accident dose criteria of 5 rem effective dose equivalent, with a limit of 50 rem on the committed dose equivalent to any organ. To accomplish the desired amendment, the petitioner suggests that definitions be added for "preclosure control area," "committed dose equivalent," "committed effective dose equivalent," and "effective dose equivalent." The petitioner believes these definitions are needed to support the application of accident dose criteria.

The petitioner also believes there is a need to include a revision to the current definition of "important to safety." The specific amendments suggested by the petitioner are as follows:

1. In § 60.2, the definition of "important to safety" is revised and definitions of "committed dose equivalent," "committed effective dose equivalent," "effective dose equivalent," and "preclosure control area" are added to read as follows:

Section 60.2 Definitions.

* * * * *

Committed dose equivalent, means the dose equivalent to organs or tissues of reference that will be received from an intake of radioactive material by an individual during the 50-year period following the intake.

Committed effective dose equivalent, means the sum of the products of the weighing factors applicable to each of the body organs or tissues which are irradiated and the committed dose equivalent.

* * * * *

Effective dose equivalent, means the sum of the products of the dose equivalent to the organ or tissue and the weighing factors applicable to each of the body organs or tissues which are irradiated.

* * * * *

Important to safety, with references to structures, systems, and components, means those engineered structures, systems, and components the failure of which could result in a release of radioactive material that produces and effective dose equivalent of 0.5 rem or greater to an individual located at or beyond the nearest boundary of the preclosure control area for an accident that could occur at any time until the completion of permanent closure. All engineered safety features shall be included within the meaning of the term "important to safety."

* * * * *

Preclosure control area, means the area immediately surrounding the repository facilities for which the licenses exercises authority over its use during the period up to completion of permanent closure. This area may be traversed by a highway, railroad, or waterway, so long as appropriate and effective arrangements are made to control traffic and to protect public health and safety.

* * * * *

2. In § 60.111, paragraph (a) is amended by removing "at all times," paragraph (b) is redesignated as paragraph (c), and a new paragraph (b) is added to read as follows:

Section 60.111 Performance of the geologic repository operations area through permanent closure.

* * * * *

(b) Accident analysis. The geologic repository operations area shall be designed such that any individual member of the public located at or beyond the nearest boundary of the preclosure control area shall not receive a radiation dose from direct exposure and inhalation greater than 5 rem effective dose equivalent or 50 rem committed dose equivalent to any organ from any accidents considered in the design of the repository that could occur at any time until the completion of permanent closure.

* * * * *

Supporting Information

The purpose of this proposed amendment is to establish quantitative accident dose criteria and to provide pertinent definitions to facilitate application of these criteria.

The petitioner considers the current rule deficient in that it does not contain the numerical dose criteria needed to determine design adequacy. The petitioner believes that the absence of quantitative accident dose criteria creates programmatic uncertainties associated with the design of the geologic repository operations area and the procurement of long lead-time items based on that design and that uncertainty could result in major redirection of design efforts and possibly affect the schedule for development of a geologic repository.

The petitioner points out that considerable knowledge and experience in the type of handling operations that will occur at a repository exists. In particular, activities at a geological repository would be similiar to activities that occur at other nuclear facilities, including several facilities licensed by the NRC, and others operated by DOE. These activities will include the receipt, handling, transfer, and storage of highly radioactive materials, principally spent nuclear fuel assemblies and canisters of vitrified high-level radioactive waste. Similar or identical operations with highly radioactive materials are, or have been, performed routinely at facilities for independent storage of spent nuclear fuel.

The petitioner maintains that its proposed repository dose criteria are within the range of accident dose criteria established by the NRC for similar activities. In claims that proposed dose criteria would be consistent with the 5 rem criteria established by the NRC for accidents at facilities for independent storage of spent nuclear fuel and high-level radioactive waste (10 CFR part 72) and even more conservative than the 6.25 rem criteria for nuclear power plant fuel handling accidents, including accidents involving drops of heavy loads on fuel handling accidents, including accidents involving drops of heavy loads on fuel assemblies or safety-related systems, components, or equipment. (For further information, DOE refers to NUREG–0800, Standard Review Plan, and NUREG–0612, Control of Heavy Loads at Nuclear Power Plants). Postulated accident scenarios include crane failures and other waste handling accidents that may result in damage to the waste canister such that there is a breach of confinement barrier.

The petitioner considers the 5 rem effective dose equivalent accident dose criteria to be supported by accepted radiological protection criteria. DOE proposes that the 5 rem accident dose criteria be expressed in the form of effective dose equivalent, as defined by the International Commission on Radiological Protection (ICRP) and the National Council on Radiation Protection and Measurements (NCRPM), and be applied to the sum of the effective dose equivalent from external exposure and the committed effective dose equivalent from intake of radionucludes. To avoid nonstochastic effects, DOE is proposing that the accident dose criteria include a limit of 50 rem on the committed dose equivalent to any organ. For dosimetric purposes, DOE recommends that the dose criteria be applied to a member of the public who is generally representative of the exposed population (i.e., reference man), as is done with other NRC accident criteria. The exposure pathways to which the accident dose criteria would apply should be limited to direct irradiation and inhalation.

In the petitioner's view, the accident dose criteria should be applied at the boundary of a newly defined preclosure control area. The restricted area defined in 10 CFR 60.2 is used for both the area to be controlled in case of a radiological accident and the area controlled under normal operations. The petitioner believes that this area is unnecessarily large for application of normal access controls and radiological monitoring. To reduce the size of this area to size that the petitioner deems more appropriate, it would be necessary to establish separate boundaries for the two controlled zones (i.e., accident and routine access control). For a repository, DOE proposes to define the location for application of the accident dose criteria and the "important to safety" threshold as the "preclosure control area" boundary.

The petitioner believes that establishment of accident dose criteria would not change the intent of the 0.5-rem "important to safety" threshold for classification. However, in its view, the current definition of "important to safety" would need to be modified to be consistent with other changes it has suggested. The current definition could be interpreted to mean that an accident resulting in a radiation dose of 0.5 rem

or greater must be mitigated; "those engineered structures, systems, and components essential to the prevention or *mitigation* of an accident * * *" (10 CFR 60.2, emphasis added). The threshold for determining the need for mitigation through the use of engineered safety features is the accident dose criterion, not the "important to safety" threshold. The petitioner suggests modification of the current definition "important to safety" to make it consistent with the proposed accident dose criterion by incorporating the effective dose equivalent concept and the new preclosure control area boundary.

Related NRC Regulatory Initiative

In the NRC Regulatory Agenda (NUREG–0936, Vol. 8, No. 4, published January 1990) and in the Unified Agenda of Federal Regulations (55 FR 17174; April 23, 1990), the NRC has announced a contemplated rulemaking action that would establish additional preclosure regulatory requirements for high-level waste geologic repositories (RIN 3150–AD51). The subject matter of the DOE petition relates closely with the actions under consideration by the NRC as part of this rulemaking effort.

The NRC approach to this related regulatory initiative includes plans to:

1. Perform a functional analysis of a geologic repository using a systematic approach. This functional analysis would include an evaluation of the preclosure operations phase of a repository.

2. Identify in this analysis the functions necessary to protect the health and safety of the workers and the public during normal conditions and abnormal conditions (e.g. design bases accidents/events).

3. Develop repository operational criteria for each function necessary to protect the health and safety of the workers and public.

4. Compare these repository operational criteria to the current criteria in 10 CFR part 60 to help identify any potential regulatory uncertainties.

5. Use the results of the functional analysis and comparison studies as a basis for consideration of any potential rulemaking.

The NRC is in the process of obtaining studies that would address potential regulatory uncertainties in this area. The results of these studies would be made available as NUREG reports. These studies would provide technical support for any regulatory action that may be needed. The NRC estimates that these reports would be available after November 1991.

Although DOE's petition does address areas of concern similar to those addressed in the NRC regulatory initiative described above, the petitioner's approach to establishing design critieria for structures, systems, and components important to safety differs markedly from the contemplated by the NRC. In applying the approach of the petitioner, it would be possible to have no structures, systems, and components important to safety if the nearest boundary of the preclosure control area were sufficiently distant. This could encourage extending the boundary of the preclosure control area in order to justify less effective safety design and quality assurance measures and result in inferior structures, systems, and components in the geologic repository operations area. While this approach might be adequate for protection of the general public, it would ignore the safety of the workers.

In contrast, in applying the approach proposed by the NRC staff, the scope of, and the design critieria for, structures, systems, and components important to safety would be derived from a consideration of the functional requirements of the repository system. In addition, critieria for a preclosure controlled area that takes into account postulated accident conditions that may be developed as a matter apart from the question of structures, systems, and components important to safety. The corresponding provisions in 10 CFR Part 72 may be considered as possible models for regulatory language in this context.

Comments are solicited with respect to the NRC's regulatory initiative as well as the DOE petition.

Dated in Rockville, Maryland, this 9th day of July, 1990.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 90–16417 Filed 7–12–90; 8:45 am]

BILLING CODE 7590–01–M

SMALL BUSINESS ADMINISTRATION

13 CFR Part 121

Small Business Size Standards; Waiver of the Nonmanufacturer Rule; Aluminum

AGENCY: Small Business Administration.

ACTION: Notice of intent to waive the nonmanufacturer rule for aluminum sheet and plate products.

SUMMARY: This notice advises the public that the Small Business Administration (SBA) is considering waivers of the "nonmanufacturer rule" for aluminum sheet and plate products. The basis for a waiver would be that no small business manufacturer or producer is supplying these products to the Federal government. The effect of a waiver would be to allow an otherwise qualified regular dealer to supply products produced by any domestic manufacturer on a Federal contract set aside for small business or awarded through the 8(a) program relating to these products. The public is requested to comment on the validity of this proposed action.

DATES: Comments must be submitted on or before August 13, 1990.

ADDRESSES: Address comments to: Robert J. Moffitt, Chairman, Size Policy Board, U.S. Small Business Administration, 1441 L Street NW., room 600, Washington, DC 20416.

FOR FURTHER INFORMATION CONTACT: Robert N. Ray, Economist, Size Standards Staff, Tel: (202) 653–6373.

SUPPLEMENTARY INFORMATION: Public Law 100–656, enacted on November 15, 1988, incorporated into the Small Business Act the previously existing regulation that recipients of Federal contracts set aside for small business or 8(a) contracts must provide the product of a small business manufacturer or processor, if the recipient is other than the actual manufacturer or processor. This requirements is commonly referred to as the "nonmanufacturer rule." The SBA regulations imposing this requirement are found at 13 CFR 121.906(b) and 121.1106(b). Section 303(h) of the law provides for waiver of this requirement by SBA for any "class of products" for which there are no small business manufacturers or processors in the Federal market.

This notice proposes to waive the nonmanufacturer rule for producers of aluminum sheet and plate products. The issue of a lack of small business producers of these products was recently brought to the attention of SBA by a wholesale firm in the 8(a) program. In response to this concern, SBA initiated a review of small business manufacturers of aluminum sheet and plate products to the Federal Government.

To be considered in the Federal market, a small manufacturer or producer must have been awarded a contract by the Federal government within the last three years. A class of products is considered to be a particular Product and Service Code (PSC) under the Federal Procurement Data System or an SBA recognized product line within a PSC. In this case the relevant classes of

products under review are aluminum sheet and aluminum plate within PSC–9535 (Plate, Sheet, Strip and Foil; Nonferrous Base Metal).

The class of products approach for the definition of this term is consistent with those used to establish a waiver of the nonmanufacturer rule for several types of construction equipment on December 28, 1989 (54 FR 53317).

SBA is currently reviewing the Federal market by evaluating procurement statistics based on data originated by the U.S. General Services Administration's Federal Procurement Data Center. Specifically SBA is examining a computerized data base, maintained by a private firm, of Federal contract awards for 1987 and 1988 (the latest data available) which lists: The type of product (PSC), the manufacturer, and whether the manufacturer is a small business. SBA is also pursuing other avenues which could indicate that small firms have sold these items to the Federal government. As a complement to SBA's review, the public is invited to submit comments on the basis for a waiver for aluminum sheet and plate products. If evidence is received or SBA finds, through its research, that a small manufacturer or producer of these products is, in fact, in the Federal market as defined by having received a Federal contract within the past three years, then SBA will not grant a waiver. If no small manufacturer or producer of aluminum sheet and plate products is found in the Federal market, a waiver may be promulgated.

Kay Bulow,

Deputy Administrator, U.S. Small Business Administration.

[FR Doc. 90–16355 Filed 7–12–90; 8:45 am]

BILLING CODE 8025–01–M

13 CFR Part 121

Small Business Size Standards; Waiver of the Nonmanufacturer Rule; Cooper, Nickel, and Zinc

AGENCY: Small Business Administration.

ACTION: Notice of intent to waive the nonmanufacturer rule for copper cathodes, nickel cathodes, nickel brickettes, zinc slabs, and zinc ingots.

SUMMARY: This notice advises the public that the Small Business Administration (SBA) is considering waivers of the "nonmanufacturer rule" for the commodity products of copper cathodes, nickel cathodes, nickle brickettes, zinc slabs, and zinc ingots within PSC–9650 (Nonferrous Base Metal Refinery and Intermediate Forms, Includes Ingots and Slabs). The basis for a waiver would be that no small business manufacturer or producer is supplying these products to the Federal government. The effect of a waiver would be to allow an otherwise qualified regular dealer to supply products produced by any domestic manufacturer or processor on a Federal contract set aside for small business or awarded through the 8(a) program relating to these products. The public is requested to comment on the validity of this proposed action.

DATES: Comments must be submitted on or before August 13, 1990.

ADDRESSES: Address comments to: Robert J. Moffitt, Chairman, Size Policy Board, U.S. Small Business Administration, 1441 L Street NW., room 600, Washington, DC 20416.

FOR FURTHER INFORMATION CONTACT: Robert N. Ray, Economist, Size Standards Staff, Tel: (202) 653–6373.

SUPPLEMENTARY INFORMATION: Public Law 100–656, enacted on November 15, 1988, incorporated into the Small Business Act the previously existing regulation that recipients of Federal contracts set aside for small business or 8(a) contracts must provide the product of a small business manufacturer or processor, if the recipient is other than the actual manufacturer or processor. This requirement is commonly referred to as the "nonmanfacturer rule." The SBA regulations imposing this requirement are found at 13 CFR 121.906(b) and 121.1106(b). Section 303(h) of the law provides for waiver of this requirement by SBA for any "class of products" for which there are no small business manufacturers or processors in the Federal market.

This notice proposes to waive the nonmanufacturer rule for copper cathodes, nickel cathodes, nickel brickettes, zinc slabs, and zinc ingots. The issue of a lack of small business producers of these products was recently brought to the attention of SBA by a wholesale firm in the 8(a) program. In response to this concern, SBA initiated a review of small business manufacturers or producers or cooper, nickel and zinc commodity products that have sold these products to the Federal Government.

To be considered in the Federal Market, a small manufacturer or producer must have been awarded a contract by the Federal government within the last three years. A class of products is considered to be a particular Product and Service Code (PSC) under the Federal Procurement Data System or an SBA recognized product line within a PSC. In this case the relevant classes of products under review are: cooper cathodes, nickel cathodes, nickel brickettes, zinc slabs, and zinc ingots within PSC–9650 (Nonferrous Base Metal Refinery and Intermediate Forms, Includes Ingots and Slabs). The class of products approach for the definition of this term is consistent with those used to establish a waiver of the nonmanufacturer rule for several types of construction equipment on December 28, 1989 (54 FR 53317).

SBA is currently reviewing the Federal market by evaluating procurement statistics based on data originated by the U.S. General Services Administration's Federal Procurement Data Center. SBA is examining a computerized data base, maintained by a private firm, of Federal contract awards for 1987 and 1988 (the latest data available) which lists: the type of product (PSC), the manufacturer, and whether the manufacturer is a small business. SBA is also pursuing other avenues which could indicate that small firms have sold these items to the Federal government.

As a complement to SBA's review, the public is invited to submit comments on the basis for a waiver for copper cathodes, nickel cathodes, nickel brickettes, zinc slabs, and zinc ingots.

If evidence is received or SBA finds, through its research, that a small manufacturer or producer of these products is, in fact, in the Federal market as defined by having received a Federal contract within the past three years, then SBA will not grant a waiver. If no small manufacturer or producer of these products is found in the Federal market, a waiver may be promulgated.

Kay Bulow,

Deputy Administrator, U.S. Small Business Administration.

[FR Doc. 90–16354 Filed 7–12–90; 8:45 am]

BILLING CODE 8025–01–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 90–ASO–8]

Proposed Revision of Transition Area, Jesup, GA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to revise the Jesup, GA Transition Area. An arrival area extension would be added to provide additional airspace protection for instrument flight rules (IFR) aircraft executing the standard

instrument approach procedure (SIAP) to Runway 28 based on the Slover nondirectional radio beacon (NDB). Additionally, minor corrections would be made in the latitude/longitude coordinate position of the Jesup-Wayne County Airport and the Slover NDB.

DATES: Comments must be received on or before: August 20, 1990.

ADDRESSES: Send comments on the proposal in triplicate to: Federal Aviation Administration, ASO-530, Manager, System Management Branch, Docket No. 90-ASO-8, P.O. Box 20636, Atlanta, Georgia 30320.

The official docket may be examined in the Office of the Assistant Chief Counsel for Southern Region, room 652, 3400 Norman Berry Drive, East Point, Georgia 30344, telephone: (404) 763-7646.

FOR FURTHER INFORMATION CONTACT: James G. Walters, Airspace Section, System Management Branch, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone: (404) 763-7646.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 90-ASO-8." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Office of the Assistant Chief Counsel for Southern Region, room 652, 3400 Norman Berry Drive, East Point, Georgia 30344, both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Manager, System Management Branch (ASO-530), Air Traffic Division, P.O. Box 20636, Atlanta, Georgia 30320. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11-2A which describes the application procedure.

The Proposal

The FAA is considering an amendment to § 71.181 of part 71 of the Federal Aviation Regulations (14 CFR part 71)— to revise the Jesup, GA Transition Area. This action would add an arrival area extension for additional airspace protection for IFR aircraft executing the NDB RWY 28 standard instrument approach procedure to the Jesup-Wayne County Airport. Also, minor corrections would be made in the latitude/longitude coordinate position of the airport and the Slover NDB. Section 71.181 of part 71 of the Federal Aviation Regulations was republished in FAA Handbook 7400.6F dated January 2, 1990.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore, (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Aviation safety, Transition areas.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) as follows:

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. 1348(a), 1354(a), 1510; Executive Order 10854; 49 U.S.C. 106(g) (Revised Public Law 97-449, January 12, 1983); 14 CFR 11.69.

2. Section 71.181 is amended as follows:

§ 71.181 [Amended]

Jesup, GA (Revised)

That airspace extending upward from 700 feet above the surface with in a 6.5-mile radius of the Jesup-Wayne County Airport (latitude 31°33'15"N., longitude 81°53'12"W.); within 3 miles each side of the 092° and 286° bearings from the Slover NDB (latitude 31°33'08"N., longitude 81°53'15"W.), extending from the 6.5-mile radius area to 8.5 miles east and west of the NDB.

Issued in East Point, Georgia, on June 26, 1990.

Don Cass,

Acting Manager, Air Traffic Division Southern Region.

[FR Doc. 90-16373 Filed 7-12-90; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 75

[Airspace Docket No. 90-ASW-30]

Proposed Alteration of Jet Route J-66; TX

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to alter Jet Route J-66 by extending that route from Dallas, TX, to Newman, TX, via Abilene, TX. This jet route would improve sector coordination and eliminate a point of congestion with the J-4 crossing point at Wink, TX. This action would improve traffic flow and reduce controller workload.

DATES: Comments must be received on or before August 27, 1990.

ADDRESSES: Send comments on the proposal in triplicate to: Manager, Air Traffic Division, ASW-500, Docket No. 90-ASW-30, Federal Aviation Administration, Fort Worth, TX 76193-0530.

The official docket may be examined in the Rules Docket, weekdays, except Federal holidays, between 8:30 a.m. and 5 p.m. The FAA Rules Docket is located in the Office of the Chief Counsel, room

916, 800 Independence Avenue SW., Washington, DC.

An informal docket may also be examined during normal business hours at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Lewis W. Still, Airspace and Obstruction Evaluation Branch (ATP-240), Airspace-Rules and Aeronautical Information Division, Air Traffic Rules and Procedures Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone: (202) 267-9250.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 90-ASW-30." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Inquiry Center, APA-230, 800 Independence Avenue SW., Washington, DC 20591, or by calling (202) 267-3484. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11-2A which describes the application procedure.

The Proposal

The FAA is considering an amendment to part 75 of the Federal Aviation Regulations (14 CFR part 75) to extend Jet Route J-66 from Dallas, TX, to Newman, TX, via Abilene, TX. The majority of traffic departing Dallas International Airport proceed via El Paso, TX. However, all aircraft proceeding westbound are given radar vectors to Abilene, and then proceed direct to Newman. We are proposing a jet route for that route which would eliminate the congestion caused by J-4 traffic proceeding over Wink, TX. Also, this shortened route would save fuel. Section 75.100 of part 75 of the Federal Aviation Regulations was republished in Handbook 7400.6F dated January 2, 1990.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 75

Aviation safety, Jet routes.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend part 75 of the Federal Aviation Regulations (14 CFR part 75) as follows:

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

1. The authority citation for part 75 continues to read as follows:

Authority: 49 U.S.C. 1348(a), 1354(a), 1510; Executive Order 10854; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); 14 CFR 11.69.

2. Section 75.100 is amended as follows:

§ 75.100 [Amended]

J-66 [Amended].

By removing the words "From Dallas-Fort Worth, TX, via" and substituting the words "From Newman, TX; Abilene, TX; Dallas-Fort Worth, TX;"

Issued in Washington, DC, on July 2, 1990.

Harold W. Becker,

Manager, Airspace—Rules and Aeronautical Information Division.

[FR Doc. 90-16374 Filed 7-12-90; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Part 888

[Docket No. N-90-3097; FR 2828-N-01]

Section 8 Housing Assistance Payment Program; Fair Market Rents for New Construction and Substantial Rehabilitation; Rome, GA; Fiscal Year 1988

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Proposed fair market rents.

SUMMARY: Section 8(c)(1) of the United States Housing Act of 1937 requires the Secretary to establish Fair Market Rents (FMRs) periodically, but not less frequently than annually. This document proposes to amend the Fiscal Year (FY) 1988 Fair Market Rent Schedule to establish new FMRs for the Rome, Georgia market area for that FY. These rents are necessary to provide FMRs more comparable to market rents for new construciton in this market area.

DATES: Comments due: August 13, 1990.

ADDRESSES: Interested persons are invited to submit comments to the Rules Docket Clerk, Office of General Counsel, Room 10276, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, DC 20410. Communications should refer to the above docket number and title. A copy of each communication submitted will be available for public inspection during regular business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Edward M. Winiarski, Chief Appraiser, Valuation Branch, Technical Support Division, Office of Insured Multifamily Housing Development, 451 Seventh Street, SW., Washington, DC 20410-

0500, telephone (202) 708-0624 and it is not toll free.

SUPPLEMENTARY INFORMATION:

Background

Section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f) (the Act) authorizes a system of housing assistance payments to aid lower income families in renting decent, safe, and sanitary housing. These programs, known collectively as the Section 8 Housing Assistance Payments Program, provide assistance payments for lower income families for a variety of housing options, including new construction and substantial rehabilitation.

Under these programs, HUD or public housing agencies (PHAs) make rental assistance payments on behalf of eligible families to owners. When families lease an eligible unit, the housing assistance payment is made and is based upon the difference between the total housing expense and the total family contribution. Initial contract rents, plus an allowance for utilities generally may not exceed area-wide FMRs established by the Department. FMRs are based primarily on the level of rentals paid for recently completed or newly constructed dwelling units of modest design within each market area as determined by HUD Field Office staff. The FY 1988 FMRs were previously promulgated by the Department (see the December 1, 1989, **Federal Register**, 54 FR 49886.)

These rents reflected the Department's cost containment efforts in relation to housing assistance provided in the Section 8 New Construction and Substantial Rehabilitation Programs.

This Document

This document announces a special revision to the FY 1988 FMR schedule applicable to the Rome, Georgia market area. These FMRs reflected data submitted by the Atlanta Regional Office. Further, where sufficient market rental comparables do not exist, HUD procedures permit the use of an interpolation technique to arrive at indicated FMRs. Although the use of interpolation and adjustments to establish rents are sound principles and techniques, the best data for "market rents" would be that from recently constructed projects, as it would necessarily reflect current conditions in the marketplace with respect to financing, vacancy rates, etc., and would provide a degree of assurance that rents so derived should be adequate to support new projects, all factors being equal.

The Atlanta Regional Office requested that the Department establish new rents for the Rome, Georgia market area. Careful analysis of this request and reanalysis of the FY 1988 FMRs for this market area indicate that the rents resulting form the application of the aforementioned techniques, when modified to reflect the Department's cost containment policies, are not adequate, even when it is clear that there has been compliance with the Department's cost containment guidelines with respect to project design. Therefore, an upward adjustment of the FY 1988 FMRs for this market area is needed. Accordingly, the Department is proposing a revision of the FY 1988 FMR schedule appicable to the Rome, Georgia market area. It is intended that when this schedule is published for effect, its applicability will be the same as set forth in the preamble to the original FY 1988 FMR schedule, published on December 1, 1989, at 54 FR 49886.

Other Information

HUD regulations in 24 CFR part 50, implementing section 102(2)(c) of the National Environmental Policy Act of 1969, contain categorical exclusions from their requirements for the actions, activities and programs specified in § 50.20. Since the FMRs established in this Notice are within the exclusion set forth in § 50.20(1), no environmental assessment is required, and no environmental finding has been prepared.

The Catalog of Federal Domestic Assistance Program number and title for the activities covered by this Notice are 14.156, Lower Income Housing Assistance Program (Section 8).

Accordingly, the following amendments to the FY 1988 FMR schedule is proposed for Rome, Georgia.

SCHEDULE A—FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES' PROGRAMS)

Region 4—Atlanta Regional Office Market: Rome, Georgia

Special Revision of FY 1988 Fair Market Rents

Structure type	Number of bedrooms				
	0	1	2	3	4
Detached			460	536	577
Semi-detached/row	319	346	399	474	530
Walk-up	307	333	394	461	516
Elevator 2-4 story	368	395	462		
Elevator 5+ story	420	448	517		

Dated: July 2, 1990.

James L. Logue III,

Deputy Assistant Secretary for Multifamily Housing Programs.

July 2, 1990.

Peter Monroe

General Deputy Assistant Secretary for Housing, Federal Housing Commissioner.

[FR Doc. 90-16368 Filed 7-12-90; 8:45 am]

BILLING CODE 4210-27-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 916

Kansas Permanent Regulatory Program

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Proposed rule; reopening and extension of comment period.

SUMMARY: OSM is announcing receipt of additional explanatory information pertaining to a previously proposed amendment to the Kansas permanent regulatory program (hereinafter, the "Kansas program") under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). This additional information pertains to definitions, administrative hearings, assessment

conferences, individual civil penalties, and civil penalties. In addition, Kansas has submitted newly proposed revisions for inclusion in this amendment. The newly proposed revisions pertain to incidental coal extraction, administrative procedures, and subsidence control. The amendment is intended to revise the State program to be consistent with the corresponding Federal standards, and to incorporate the additional flexibility afforded by the revised Federal regulations.

This notice sets forth the times and locations that the Kansas program, proposed amendment to that program, and additional information are available for public inspection, and the reopened comment period during which interested persons may submit written comments on the proposed amendment.

DATES: Written comments must be received on or before 4 p.m., c.d.t. August 13, 1990.

ADDRESSES: Written comments should be mailed or hand delivered to Jerry R. Ennis at the address listed below.

Copies of the Kansas program, the proposed amendment, and all written comments received in response to this notice will be available for public review at the addresses listed below during normal business hours, Monday through Friday, excluding holidays. Each requester may receive one free copy of the proposed amendment by contacting OSM's Kansas City Field Office.

Jerry R. Ennis, Director, Kansas City Field Office, Office of Surface Mining Reclamation and Enforcement, 934 Wyandotte, room 500, Kansas City, MO 64105, Telephone: (816) 374-6405

Kansas Department of Health and Environment, Surface Mining Section, Shirk Hall, 4th Floor, 1501 S. Joplin, P.O. Box 1418, Pittsburg, KS 66762, Telephone: (316) 231-8615

FOR FURTHER INFORMATION CONTACT: Jerry R. Ennis, Director, Kansas City Field Office on telephone number (816) 374-6405.

SUPPLEMENTARY INFORMATION:

I. Background on the Kansas Program

On January 21, 1981, the Secretary of Interior conditionally approved the Kansas program. General background information on the Kansas program, including the Secretary's findings, the disposition of comments, and the conditions of approval of the Kansas program can be found in the January 21, 1981, **Federal Register** (46 FR 5892). Subsequent actions concerning Kansas' program and program amendments can be found at 30 CFR 916.12, 916.15, and 916.16.

II. Proposed Amendment

By letter dated June 29, 1989 (Administrative Record No. KS-436), Kansas submitted a proposed amendment to its program pursuant to SMCRA. Kansas submitted the proposed revisions (1) in response to an October 21, 1988, letter that OSM sent in accordance with 30 CFR 732.17(d) requiring certain provisions of the State program to be updated for consistency with the Federal regulations through July 1, 1988, and to satisfy anticipated deficiencies in the State program through July 1, 1989, (2) in response to a May 11, 1989, letter that OSM sent in accordance with 30 CFR 732.17(d) concerning ownership and control, and (3) at the State's own initiative to improve its program (Administrative Record Nos. KS-432 and KS-434).

The regulations that Kansas proposes to amend are: Kansas Administrative Regulations (K.A.R.) 47-1-1, Title; 47-1-3, Communication; 47-1-4, Sessions; 47-1-8, Petitions to Initiate Rulemaking; 47-1-9, Notice of Citizen Suits; 47-1-10, General Notice Requirement; 47-1-11, Permittee Preparation and Submission of Reports; 47-2-14, Complete and Accurate Application Defined; 47-2-21, Employee Defined; 47-2-53, Regulatory Authority or State Regulatory Authority Defined; 47-2-67, Surety Bond Defined; 47-2-75, Definitions-Adoption by Reference; 47-3-1, Application for Mining Permit; 47-3-2, Application for Mining Permit-Adoption by Reference; 47-3-3a, Application for Mining Permit-Maps; 47-3-42, Application for Mining Permit-Adoption by Reference; 47-4-14, Public Hearing-Incorporation by Reference of K.S.A. 77-501 *et seq.*; 47-4-15, Administrative Hearings, Discovery, Incorporation by Reference; 47-4-16, Interim Orders for Temporary Relief; 47-4-17, Administrative Hearings, Award of Costs and Expenses; 47-5-5a, Civil Penalties-Adoption by Reference; 47-5-16, Civil Penalties-Final Assessment and Payment; 47-6-1, Permit Review; 47-6-2, Permit Revision; 47-6-3, Permit Renewals-Adoption by Reference; 47-6-4, Permit Transfers, Assignments, and Sales-Adoption by Reference; 47-6-6, Permit Conditions-Adoption by Reference; 47-8-9, Bonding Procedures-Adoption by Reference; 47-8-11, Use of Forfeited Bond Funds; 47-9-1, Performance Standards-Adoption by Reference; 47-9-2, Revegetation; 47-9-4, Interim Program Performance Standards-Adoption by Reference; 47-10-1, Underground Mining-Adoption by Reference; 47-11-8, Small Operator Assistance Program-Adoption by Reference; 47-12-4, Lands Unsuitable for Surface Mining-Adoption by Reference; 47-13-4, Training and Certification of Blasters-Adoption by Reference; 47-13-5, Responsibilities of Operators and Blasters-in-Charge; 47-13-6, Training Program; 47-14-7, Employee Financial Interest-Adoption by Reference; 47-15-1a, Inspection and Enforcement-Adoption by Reference; 47-15-3, Lack of Information and Inability to Comply; 47-15-4, Injunctive Relief; 47-15-7, State Inspections; 47-15-8, Citizen's Request for State Inspections; 47-15-15, Service of Notices of Violation and Cessation Orders; and 47-15-17, Maintenance of Permit Areas.

OSM published a notice in the July 14, 1989, **Federal Register** (54 FR 29742) announcing receipt of the amendment and inviting public comment on the adequacy of the proposed amendment (Administrative Record No. KS-441). The public comment period ended August 14, 1989.

During its review of the amendment, OSM identified concerns related to K.A.R. 47-1-9 (e) and (f), Notice of Citizen Suits; 47-2-21, Employee Defined; 47-2-53, Regulatory Authority or State Regulatory Authority Defined; 47-2-53a, Regulatory Program Defined; 47-2-58, Significant, Imminent Environmental Harm to Land, Air, and Water Resources Defined; 47-2-64, State Act Defined; 47-2-74, Public Road Defined; 47-2-75(a) (6), (7), and (8), Definitions; 47-2-75(b)(6) (B) and (C), Alluvial Valley Floor and Arid and Semiarid Area Defined; 47-2-75, Ownership and Control Definitions; 47-3-1, Application for Mining Permit; 47-3-2(c)(3), Application for Mining Permit; 47-3-42, Application for Mining Permit; 47-3-42(b)(15), Special Category Permits; 47-3-42, Application for Mining Permit; 47-4-14, Incorporation by Reference of Kansas Statute Annotated 77-501 *et seq.*; 47-5-5a(a)(10), Individual Civil Penalties; 47-6-2(d), Permit Revision; 47-6-6(b)(4), Permit Review; 47-7, Coal Exploration; 47-8-9(q)(2), Bonding Procedures; 47-9-1(c)(6), Topsoil and Subsoil; 47-9-1(c)(26), Coal Mine Waste: General Requirements; 47-9-1 (c)(42) and (d)(39), Surface and Underground Revegetation: Standards for Success; 47-9-1 (c)(45) and (d)(44), Surface and Underground Postmining Land Use; 47-9-1(d)(2), Underground Mining Performance Standards; 47-10-1(b)(6), Underground Mining Permit Applications; and Rills and Gullies Guidelines. OSM notified Kansas of the concerns by letter dated September 8, 1989 (Administrative Record No. KS-445). Kansas responded in letters dated October 24, October 30, November 9, and November 15, 1989, and an undated letter received November 17, 1989

(Administrative Record No. KS–449), by submitting a revised amendment.

OSM published a notice in the December 1, 1989, **Federal Register** (54 FR 49773) announcing receipt of the revised amendment and inviting public comment on the adequacy of the proposed amendment (Administrative Record No. KS–470). The public comment period ended December 18, 1989.

During its review of the additional information submitted by Kansas, OSM identified concerns related to K.A.R. 47–2–75(e)(6), Definitions; 47–4–14a, (a)(2), and (b)(6), Administrative Hearings—Procedure; 47–4–15(c), Administrative Hearings—Discovery; 47–5–5a(a)(8), Procedures for Assessment Conferences; 47–5–5a(a)(10), Individual Civil Penalties; and 47–5–5a(b)(11), Civil Penalties. OSM notified Kansas of the concerns by letter dated February 13, 1990 (Administrative Record No. KS–463). Kansas responded in letters dated March 26 and June 29, 1990 (Administrative Record Nos. KS–464 and KS–471), by submitting a revised amendment.

In addition, Kansas submitted newly proposed revisions (1) in response to a May 22, 1989, letter that OSM sent in accordance with 30 CFR 732.17(d) requiring certain provisions of the State program to be updated for consistency with the Federal regulations through July 1, 1989, (2) in response to a February 7, 1990, letter that OSM sent in accordance with 30 CFR 732.17(d) concerning incidental coal extraction, (3) concerning administrative procedures at its own initiative, and (4) to satisfy anticipated deficiencies in the State program related to subsidence control (Administrative Record No. KS–465). These newly proposed revisions have not been subject to public review and comment. Therefore, the comment period is being reopened for 30 days to provide adequate time to review this new material.

III. Public Comment Procedures

OSM is reopening the comment period on the proposed Kansas program amendment to provide the public an opportunity to reconsider the adequacy of the amendment in light of the additional materials submitted. In accordance with the provisions of 30 CFR 732.17(h), OSM is seeking comments on whether the proposed amendment satisfies the applicable program approval criteria of 30 CFR 732.15. If the amendment is deemed adequate, it will become part of the Kansas program.

Written comments should be specific, pertain only to the issue proposed in this rulemaking, and include explanations in support of the commenter's recommendations. Comments received after the time indicated under "DATES" or at locations other than the Kansas City Field Office will not necessarily be considered in the final rulemaking or included in the administrative record.

List of Subjects in 30 CFR Part 926

Intergovernmental relations, Surface mining, Underground mining.

Dated: July 6, 1990.

Raymond L. Lowrie,

Assistant Director, Western Field Operations.

[FR Doc. 90–16340 Filed 7–12–90; 8:45 am]

BILLING CODE 4310–05–M

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30 CFR Part 935

Ohio Permanent Regulatory Program; Revision of Administrative Rules and the Ohio Revised Code

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Proposed rule.

SUMMARY: OSM is announcing the receipt of proposed Program Amendment Number 41 to the Ohio permanent regulatory program (hereinafter referred to as the Ohio program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The amendments are intended to revise four Ohio administrative rules and one section of the Ohio Revised Code to be consistent with the corresponding Federal regulations regarding ownership and control of mining operations and the identification and rescission of improvidently issued mining permits. Ohio is also proposing other rule revisions concerning enforcement of notices and orders and public inspection of permit applications.

This notice sets forth the times and locations that the Ohio program and proposed amendments to that program will be available for public inspection, the comment period during which interested persons may submit written comments on the proposed amendments, and the procedures that will be followed regarding the public hearing, if one is requested.

DATES: Written comments must be received on or before 4 p.m. on August 13, 1990. If requested, a public hearing on the proposed amendments will be held at 1:00 p.m. on August 7, 1990. Requests to present oral testimony at the hearing must be received on or before 4:00 p.m. on July 30, 1990.

ADDRESSES: Written comments and requests testify at the hearing should be mailed or hand-delivered to Ms. Nina Rose Hatfield, Director, Columbus Field Office, at the address listed below. Copies of the Ohio program, the proposed amendments, and all written comments received in response to this notice will be available for public review at the addresses listed below during normal business hours, Monday through Friday, excluding holidays. Each requester may receive, free of charge, one copy of the proposed amendments by contacting OSM's Columbus Field Office.

Office of Surface Mining Reclamation and Enforcement, Columbus Field Office, 2242 South Hamilton Road, Room 202, Columbus, Ohio 43232, Telephone: (614) 866–0578.

Ohio Department of Natural Resources, Division of Reclamation, Fountain Square, Building B–3, Columbus, Ohio 43224, Telephone: (614) 265–6675.

FOR FURTHER INFORMATION CONTACT: Ms. Nina Rose Hatfield, Director, Columbus Field Office, (614) 866–0578.

SUPPLEMENTARY INFORMATION:

I. Background

On August 16, 1982, the Secretary of the Interior conditionally approved the Ohio program. Information on the general background of the Ohio program submission, including the Secretary's findings, the disposition of comments, and a detailed explanation of the conditions of approval of the Ohio program, can be found in the August 10, 1982 **Federal Register** (47 FR 34688). Subsequent actions concerning the conditions of approval and program amendments are identified at 30 CFR 935.11, 935.12, 935.15, and 935.16.

II. Discussion of the Proposed Amendments

By letter dated May 11, 1989 (Administrative Record No. OH–1332), the Director of OSM notified Ohio that OSM had recently promulgated three new Federal rules that define ownership and control, that specify the effect of ownership and control information on the issuance of permits and the reporting of violations, and that provide criteria and procedures for the identification and rescission of improvidently issued mining permits. The Director required Ohio to modify its regulatory program to remain consistent with the new Federal requirements.

By letter dated October 2, 1989 (Administrative Record No. OH–1288), the Ohio Department of Natural Resources, Division of Reclamation

(Ohio) submitted informal Program Amendment Number 41 in response to the Director's notification. OSM provided comments to Ohio on the informal amendment by letter dated March 1, 1990 (Administrative Record No. OH-1287).

By letter dated June 25, 1990 (Administrative Record No. OH-1333), Ohio submitted responses to OSM's comments on the informal amendment and also submitted formal Program Amendment No. 41. The amendment proposes changes for four Ohio administrative rules and one section of the Ohio Revised Code regarding ownership and control of mining operations and the identification and rescission of improvidently issued mining permits. Ohio is also proposing other rule revisions concerning enforcement of notices and orders and public inspection of permit applications.

Numerous nonsubstantive changes are proposed throughout the revised rules to correct paragraph letter notations and to make other minor revisions. The substantive changes proposed by Ohio in its administrative rules and in the Ohio Revised Code are discussed briefly below:

(A) Ownership and Control

1. OAC Section 1501:13-4-03 paragraph (A): Ohio is adding this new paragraph to define "owns or controls."

2. OAC Section 1501:13-4-03 paragraphs (B), (C), and (F): Ohio is revising these paragraphs to require that mining permit applications provide additional specified information on:

(a) The person who will pay the abandoned mine land reclamation fee,

(b) Each person who owns or controls the applicant,

(c) Any coal mining operation owned or controlled by any person who owns or controls the applicant, and

(d) Each unabated notice of violation and unabated cessation order received by any coal mining operation owned or controlled by the applicant or by any person who owns or controls the applicant.

After Ohio notifies an applicant of the approval of the application but before Ohio issues the permit, the applicant must update, correct, or confirm the required information, as applicable. The Chief shall reconsider his decision to approve the permit in light of any new information submitted by the applicant.

3. OAC Section 1501:13-5-01 paragraph (D): Ohio is revising this paragraph to provide that the Chief shall not issue a mining permit unless the Chief can determine that any coal mining operation owned or controlled by the applicant or by any person who owns or controls the applicant is not currently in violation of any State or Federal law, rule, or regulation. The Chief also shall not issue a mining permit unless the Chief can determine that the applicant and anyone who owns or controls the applicant has not controlled a mining operation with a willful pattern or violations of chapter 1513 of the Ohio Revised Code. The Chief may conditionally issue a mining permit if the applicant establishes to the Chief's satisfaction that a violation is in the process of being corrected.

4. OAC Section 1501:13-5-01 paragraph (G)(5): Ohio is adding this paragraph to require that, within thirty days after the Chief issues a cessation order, the permittee shall notify the Chief in writing that there has been no change in the information previously submitted under OAC 1501:13-4-03(B)(5) concerning persons who own or control the permit applicant or shall submit new information to the Chief to correct or update the previously submitted information.

5. OAC Section 1501:13-14-02 paragraph (A)(8): Ohio is adding this paragraph to require that, within sixty days after issuing a cessation order, the Chief shall notify in writing any person who has been identified as owning or controlling the permittee that the Chief has issued the cessation order and that the person has been identified as an owner or controller of the permittee.

6. Ohio Revised Code Section 1513.07(E)(6)(a) through (E)(6)(b)(iii): Ohio is deleting this section to remove language inconsistent with Ohio's proposed rules regarding ownership and control.

(B) Improvidently Issued Permits

1. OAC Section 1501:13-5-02: Ohio is adding this new rule concerning improvidently issued permits. The new rule specifies:

(a) The circumstances under which the Chief shall review permit issuance,

(b) The criteria by which the Chief shall determine if a permit was improvidently issued,

(c) The remedial measures which the Chief may take concerning an improvidently issued permit, and

(d) The actions which the Chief may take to suspend and rescind an improvidently issued permit.

(c) Enforcement Activities

1. OAC Section 1501:13-14-02 paragraph (C)(7): Ohio is revising this paragraph to specify that the Chief shall hold a show cause hearing if the permittee files an answer to a show cause order and requests a hearing.

2. OAC Section 1501:13-14-02 paragraph (D)(1)(c): Ohio is adding this paragraph to provide that if Ohio is unsuccessful in delivering a notice or order by hand or by certified mail, service of the notice or order may be made by first class mail to the most current address on file with the Division of Reclamation for the designated recipient.

3. OAC Section 1501:13-14-02 paragraph (I): Ohio is revising this paragraph to delete the words "approval or" to clarify that violations of the conditions of exploration permits, rather than violations of the Chief's approval of exploration operations, may initiate injunctive relief.

(D) Public Inspection of Permit Applications

1. OAC Section 1501:13-5-01 paragraph (A)(4)(a): Ohio is revising this paragraph to provide that, if approved by the Chief, the applicant may provide for public inspection of permit applications, including applications for permit revisions and renewals, by filing a copy of the application at the Division of Reclamation district office responsible for inspection of the proposed operation.

III. Public Comment Procedures

In accordance with the provisions of 30 CFR 732.17(h), OSM is now seeking comment on whether the amendments proposed by Ohio satisfy the applicable program approval criteria of 30 CFR 732.15. If the amendments are deemed adequate, they will become part of the Ohio program.

Written Comments

Written comments should be specific, pertain only to the issues proposed in this rulemaking, and include explanations in support of the commenter's recommendations. Comments received after the time indicated under "**DATES**" or at locations other than the Columbus Field Office will not necessarily be considered in the final rulemaking or included in the Administrative Record.

Public Hearing

Persons wishing to comment at the public hearing should contact the person listed under "**FOR FURTHER INFORMATION CONTACT**" by 4 p.m. on July 30, 1990. If no one requests an opportunity to comment at a public hearing, the hearing will not be held.

Filing of a written statement at the time of the hearing is requested as it will greatly assist the transcriber. Submission of written statements in

advance of the hearing will allow OSM officials to prepare adequate responses and appropriate questions.

The public hearing will continue on the specified date until all persons scheduled to comment have been heard. Persons in the audience who have not been scheduled to comment and who wish to do so will be heard following those scheduled. The hearing will end after all persons scheduled to comment and persons present in the audience who wish to comment have been heard.

Public Meeting

If only one person requests an opportunity to comment at a hearing, a public meeting, rather than a public hearing, may be held. Persons wishing to meet with OSM representatives to discuss the proposed amendments may request a meeting at the Columbus Field Office by contacting the person listed under "**FOR FURTHER INFORMATION CONTACT.**" All such meeting shall be open to the public and, if possible, notices of the meetings will be posted at the locations listed under "**ADDRESSES.**" A written summary of each public meeting will be made a part of the Administrative Record.

List of Subjects in 30 CFR Part 935

Coal mining, Intergovernmental relations, Surface mining, Underground mining.

Dated: July 5, 1990.

Alfred E. Whitehouse,

Acting Assistant Director, Eastern Field Operations.

[FR Doc. 90-16341 Filed 7-12-90; 8:45 am]

BILLING CODE 4310-05-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[FRL-3810-3]

Approval and Promulgation of Implementation Plans; Cancellation of Public Hearing; Illinois

AGENCY: United States Environmental Protection Agency (USEPA).

ACTION: Notice of proposed rulemaking; public hearing cancellation.

SUMMARY: USEPA is cancelling the July 18, 1990, public hearing announced in the June 18, 1990, **Federal Register** (55 FR 24585), regarding the proposed imposition of Federal highway funding restrictions in Cook, Lake, Kane, and Will Counties, Illinois.

In the November 2, 1989, **Federal Register** (54 FR 46271), USEPA proposed imposition of Federal highway funding restrictions in Cook, Lake, Kane, and Will Counties, Illinois, because the State had failed to adopt and submit to USEPA a vehicle inspection and maintenance (I/M) program commensurate with the severity of the ozone problem in the Chicago area. On June 18, 1990, USEPA announced the time and location of the public hearing. USEPA also stated that if the State of Illinois adopted an acceptable I/M program prior to the date of the public hearing, USEPA would cancel the public hearing.

On June 29, 1990, the Illinois General Assembly enacted legislation which, among other things, requires that each subject vehicle receive an inspection of its catalytic converter, fuel inlet restrictor, and gas cap. The legislation also expands the geographic coverage of the total I/M program to most of a 5 county area (all of Cook and DuPage Counties and the majority of Lake, Kane, and Will Counties). Because these improvements are adequate to meet USEPA requirements for an enhanced I/M program, USEPA is cancelling the July 18, 1990, public hearing.

FOR FURTHER INFORMATION CONTACT: Jay Bortzer, Air and Radiation Branch (5AR-26), U.S. Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Illinois 60604, (312) 886-1430.

Dated: July 6, 1990.

Valdas V. Adamkus,

Regional Administrator.

[FR Doc. 90-16407 Filed 7-12-90; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 68

[CC Docket No. 87-124; FCC 90-133]

Telephones for Use by Hearing Impaired

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This Further Notice of Proposed Rulemaking seeks comments on the FCC's proposed amendments to its rules governing access to telephone services by the hearing impaired and other disabled persons. The proposed amendments evolve from the filing by several parties (collectively Petitioners) of a petition for partial reconsideration of the FCC's First Report and Order (Order) in the matter of Access to Telecommunications Equipment by the Hearing Impaired and Other Disabled Persons, CC Docket 87-124, FCC 89-137, 4 FCC Rcd 4596 (1989), which amended portions of part 68 of FCC rules, 47 CFR part 68. In deciding the petition, the FCC adopted a combined Memorandum Opinion and Order (MO&O) and Further Notice of Proposed Rulemaking (Further NPRM) CC Docket 87-124, FCC 90-133, adopted April 12, 1990. This Further NPRM portion of that action proposes amendments to part 68 of the rules, our tentative conclusions being that all essential telephones identified as frequently needed be treated as provided for emergency use and therefore be made hearing aid compatible by May 1, 1992, except that closed circuit telephones, i.e., telephones which cannot directly access the public switched network, need not be hearing aid-compatible until replaced. The MO&O portion of the combined action, which summarizes the events leading up to the Order, is published elsewhere in this issue.

DATES: Written comments must be received by the FCC on or before August 1, 1990, and reply comments on or before September 7, 1990. The requirements for filing comments in a proposed rulemaking proceeding are contained in §§ 1.415 and 1.419 of FCC rules, 47 CFR 1.415 and 1.419. Additionally, questions on how to file comments may be directed to the FCC's Consumer Assistance and Small Business Division, (202) 632-7000.

ADDRESSES: Comments should be filed with the Federal Communications Commission, 1919 M Street, NW., Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Jim Ferris, Domestic Services Branch, Common Carrier Bureau, (202) 634-1830.

SUPPLEMENTARY INFORMATION: This is a summary of the FCC's Further NPRM in CC Docket 87-124, FCC 90-133, adopted April 12, 1990, and released June 7, 1990. The complete document, as well as comments and reply comments, may be inspected and copied during the weekday hours (excluding federal holidays) of 9 a.m. to 4:30 p.m. in the FCC's Public Reference room, room 239, 1919 M St., NW., Washington, DC; or transcripts may be purchased from the FCC's duplication contractor, International Transcription Services, 2100 M Street, NW., suite 140, Washington, DC 20037, (202) 857-3800.

The Telecommunications for the Disabled Act of 1982, Public Law No. 97-410, required, among other things, that all telephones deemed "essential" be compatible with hearing aids. In 1988, responding to comments filed in an earlier phase of this proceeding, the FCC

proposed to expand the definition of "essential telephones" to include all workplace telephones located in common areas and all credit card telephones. Several months later the Hearing Aid Compatibility Act of 1988 (HAC Act), Public Law No. 100-394, 102 Stat. 976 (1988), became law.

The Order was issued as the result of the FCC's need to conform to statutory requirements set forth in the HAC Act which amended section 710 of the Communications Act of 1934 (47 U.S.C. 610), to require, among other things, that nearly all telephones manufactured in, or imported for use in, the United States after August 16, 1989, be hearing aid compatible. In the Order, the FCC decided that because Congress had enacted a law requring that nearly all future telephones be compatible with hearing aids, redefining "essential" telephones to include workplace telephones in common areas was unwarranted. With regard to credit card telephones, the FCC observed that under its existings rules, telephones must be HAC unless a HAC coin operated telephone is "nearby and readily available."

Reconsideration

Petitioners seeking partial reconsideration of the Order contend that the Commission erred, and ask that it reconsider its decision not to expand the definition of "essential" telephones to include workplace telephones in common areas and all credit card operated telephones. Petitioners ask also that the FCC require that: (1) All workplace telephones be hearing aid compatible, (2) all hospital, hotel and motel telephones be hearing aid compatible, and (3) that the minimal acceptable field strength of HAC telephones be increased.

Upon reconsidering the matter, the FCC finds that the Order did not fully consider certain requirements of the HAC Act consistent with potential benefits to the hearing impaired. The Further NPRM focuses on the uses of "frequently needed" telephones, workplace telephones, telephones in hotels and motels, and telephones in "confined settings," and proposes rule amendments designed to serve the emergency needs of the hearing impaired and to expand their access to telephones services generally.

Initial Regulatory Flexibility Analysis

Pursuant to the FCC's Further NPRM in this proceeding, it is proposed to amend part 68 of the rules so as to provide the hearing impaired with greater access to telecommunications services. The effect of the proposed rules will depend upon whether hospitals, hotels, motels and employers have already installed hearing aid compatible telephones in rooms or the workplace, respectively. The overall economic impact of the proposed rules should be small. Written comments, identified as responses to the initial regulatory flexibility analysis, and filed in accordance with the same filing deadlines as comments on the rest of the Further NPRM, are requested.

Ex Parte Presentations

This is a nonrestricted notice and comment rulemaking proceeding. See §§ 1.1200-1.1206 of the rules, 47 CFR 1.1200-1.1206.

Ordering Clauses for Further NPRM

Pursuant to sections 1, 4 (i) and (j) and 710 of the Communications Act, as amended, 47 U.S.C. 151, 154 (i) and (j) and 610, *It is Ordered* That a Further Notice of Proposed Rulemaking is instituted. In accordance with applicable procedures set forth in §§ 1.415 and 1.419 of FCC rules, 47 CFR 1.415 and 1.419, interested parties may file comments on or before August 1, 1990 and reply comments on or before September 7, 1990. All revelant and timely comments will be considered before final action is taken in this proceeding.

It is Further ordered That the petition for partial reconsideration filed by Petitioners is granted in part, to the extent indicated herein, but is otherwise denied.

List of Subjects in 47 CFR Part 68

Hearing aid-compatible telephones; Hearing aid-compatibility; telephone.

Federal Communications Commission.

Donna R. Searcy,

Secretary.

[FR Doc. 90-16337 Filed 7-12-90; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

49 CFR Part 40

[Docket No. 45928; Notice No. 3]

RIN 2105-AB71

Procedures for Transportation Workplace Drug Testing Programs

AGENCY: Department of Transportation, Office of the Secretary.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Department of Transportation recently adopted a final rule concerning testing procedures applicable to drug testing programs the Department requires in six transportation industries. The Department is proposing an amendment. The amendment concerns to whom reports of negative drug test results may be sent. It would provide that such results may be sent to the employer directly, or to a designated employer representative, or to a medical review officer. The amendment may affect all negative results or in the alternative only those negative results from pre-employment testing. To ensure no misuse of laboratory positives that are verified negative by the medical review officer, such results would be sent to the employer through a designated employer representative or via the laboratory. The DOT may opt not to amend the current rule after analyzing the comments.

DATES: Comments should be received by August 13, 1990.

ADDRESSES: Comments should be sent to Docket Clerk, Docket No. 45928, Department of Transportation, 400 7th Street SW., Washington, DC 20590, Room 4107. For the convenience of persons who will be reviewing the docket, it is requested that commenters provide duplicate copies of their comments. Comments will be available for inspection at this address Monday through Friday from 9 a.m. through 5:30 p.m. Commenters who wish the receipt of their comments to be acknowledged should include a stamped, self-addressed postcard with their comments. The docket clerk will date-stamp the postcard and mail it to the commenter.

FOR FURTHER INFORMATION CONTACT: Terrance W. Gainer or Dr. Donna R. Smith, Office of the Secretary, Drug Enforcement and Program Compliance, Department of Transportation, 400 7th Street SW., Room 10200, Washington, DC 20590. (202-366-3784).

SUPPLEMENTARY INFORMATION:

Background

The Department recently published a final rule revising its drug testing procedural regulations (49 CFR part 40) in response to public comment (54 FR 49854; December 1, 1989). One of the issues in this rulemaking concerned to whom the laboratory sends results of negative drug tests and how those results are processed. Under the November 1988 interim final rule that created part 40, these results had to be sent to the medical review officer (MRO), who in turn would inform the employer of them.

A number of commenters, primarily employers, said that negative results should be provided directly to the employer, rather than to the MRO. Sending the results to the MRO, they said, needlessly added time and cost to the process, since there was no substantive review that MROs had to play with respect to negative results. Other commenters, however, including some MROs, expressed the concern that sending negative results through the MROs was necessary to maintaining the confidentiality and integrity of the testing process. The Department agreed with the necessity of maintaining the confidentiality and the integrity of the testing process and, while recognizing that sending negative results through the MROs may add time and expense, decided to retain the requirement.

The preamble to the final rule discussed the issue in the following terms (54 FR 49860):

> Some commenters thought MROs should not have to review negative tests. The current regulation, while requiring negatives to be sent from the lab to the MRO, does not require substantive review of negatives by the MRO. The MRO's function with respect to negatives need be only an administrative one, and ought not add significant costs to the process, since only administrative processing fees (as distinct from fees for professional medical services) would seem to be involved. The rule now explicitly states this point.
>
> This administrative role is an important one, however. If negatives were sent directly to the employer from the laboratory, while positives were sent to the MRO, the employer would know for certain that some identifiable employees were "lab negatives" and others were "lab positives" whose tests the MRO did not verify positive. The employer would know this simply from the fact of whether it got a negative result from the lab or the MRO. A "lab positive/verification negative" employee could easily be stigmatized as a drug user, or be subject to employer inquiries about medical use of drugs. This would be contrary to the intent of the rule with respect to employee confidentiality.

The Department made its decision on this issue on the basis that, despite the possibility of time and cost impacts of routing negative results through the MRO, doing so was the only practical means of avoiding the adverse confidentiality effect involved.

The NPRM

During the November 29–December 1, 1989, "Consensus Conference" sponsored by the National Institute on Drug Abuse (NIDA), on NIDA's drug testing guidelines (on which DOT's procedures are based), the participants discussed two procedures that may offer the opportunity to protect employee confidentiality while avoiding the adverse time and cost impacts of sending negative results through MROs. Each of these procedures is intended to avoid the problem, discussed in the preamble to the December 1, 1989, final rule, of the employer learning of "lab negatives" and "MRO negatives" from two different sources, thus permitting the employer to identify whose employees who had positive laboratory results that were not verified by the MRO.

The first procedure would involve a designated employer representative as the recipient of all lab results. This representative could not be part of the employees' supervisory chain or otherwise be in a position to take action adverse to the employee. There would have to be a so-called "bubble" erected around the representative to ensure separation of functions. This representative would have a confidential reporting relationship with the MRO which would in effect mirror the confidential relationship available on an MRO's staff. In particular, this official would be prohibited from passing on to other company officials any information about test results, except as the rule specifically permits.

When the representative receives lab results, he or she would transmit laboratory negatives to company officials and laboratory positives to the MRO. The MRO would transmit "MRO negatives" back to the designated employer representative, who would retransmit them to the company. The MRO could transmit the verified positives directly to the company or through the designated employer representative. Again, the company would receive all negatives from the same source.

The second procedure could be used, for example, where an employer is of such small size that a separate official, as described above, cannot be established in the employer's organization.

Under this procedure, the laboratory would send lab negative results to the employer and lab positive results to the MRO. The MRO would send verified positives directly to the company, while sending "MRO negatives" back to the laboratory, which in turn would retransmit them to the employer. The employer would therefore receive all negative results from the same source, the laboratory.

The laboratory, in order to ensure that there is no distinction between "laboratory" and "MRO" negatives, would not transmit Copy 2 of the custody and control form (the "duplicate original" which the laboratory normally sends back to the MRO in all cases) to the employer, but would provide a separate report for both types of negatives. This would be another step designed to prevent the employer from inferring who was a lab positive based on what paperwork was received at a given time. The laboratory would be responsible for maintaining Copy 2 of the custody and control form.

It should be emphasized that employers could continue to have all results sent through their MRO. The two new procedures are additional options, and the employer would have a choice among three ways of proceeding. In each procedure, the proposal makes provision for checking the identifying information and custody and control form to make sure that they are correct. This function is conducted by the MRO, the employer or the designated employer representative, depending on which procedure is used.

In recent discussions NIDA suggested that we amend the rule with respect to the processing of pre-employment negative test results only. Since timeliness of results reporting to employers and MRO costs for review of negative results are two critical issues, these factors may be most significant in the pre-employment testing situation. Therefore, the Department is considering the proposed procedures for all drug testing results for only pre-employment testing results. Thus, we have drafted the NPRM with an Alternative 1, for all drug test results, and an Alternative 2, for pre-employment drug tests results. In a final rule, if issued, the Department will select on of the alternatives for implementation.

The Department strongly emphasizes that the committee reviewing the issue of MRO processing of negatives at the NIDA conference did not achieve consensus on this issue. One committee recommended that alternatives of the kind on which this NPRM seeks comment be adopted; another committee recommended that the present system be kept in place. NIDA's report of the conference results reflects this difference of opinion. Therefore, it is possible that the DOT may decide that no amendment is required after an examination of the comments.

Questions for Commenters

In responding to this NPRM, the Department seeks comment on a number of questions concerning the proposed alternatives to the present requirement. Would the alternatives compromise confidentiality? That is, would the "designated employer representative" procedure effectively prevent company

officials from knowing who was a "lab positive," especially in small companies? How would DOT monitor the success of the procedure at achieving confidentiality? Would effective enforcement of such requirements as separation of functions be possible? Should there be a minimum company size for use of the designated employer representative procedure? Does adding one additional person or office to those entitled to receive laboratory results increase to an unacceptable level the possibility of "leaks" of confidential information? Would there be delays from which the employer would be able to deduce who has been a "lab positive"? May a company have more than one designated employer representative? Must the designated employer representative be a company employee? Can a physician serve as both the MRO and the designated employer representative? What parameters and guidelines need to be put in place regarding the designated employer representative functions? Furthermore, what additional guidelines and review procedures need to be put in place to ensure the rule's principles of confidentiality are adhered to by the designated employer representatives?

The Department also seeks comment about the administrative practicability of the alternatives. Does the additional burden of discerning who receives copy 2 (the MRO copy) of the chain of custody form significantly impact on laboratory administrative responsibilities? Will this new burden increase the chance of administrative errors in reporting results? Would the additional administrative steps needed (e.g., sending information about a test result from lab to MRO to lab to employer in the second procedure) result in additional delays and costs? How will lab certification of the initial result, MRO verification of the result as a negative, and lab or designated employer representative retransmission of the negative result to the employer be handled, in paperwork terms, to safeguard confidentiality? What modifications, if any, would be necessary in the handling of copies of the custody and control form in order to maintain confidentiality and ensure that the process flowed correctly? Are additional, specific regulatory prescriptions needed concerning the flow of paperwork (e.g., the various copies of the chain of custody and control form) in the two new procedures proposed in the NPRM, since current instructions assume transmission of all results through the MRO?

MROs may sometimes overturn positive results because of laboratory administrative errors or scientific insufficiency. When the MRO sends such a verified negative back to the employer through the laboratory, are safeguards in the rule necessary to ensure that the laboratory does not alter the MRO decision? Also, MROs typically have access to information (e.g., about medications employees are taking) laboratories and employers are not supposed to see. What safeguards, if any, are needed in the rule to ensure that, with papers being transmitted from MROs back to labs, designated employer representatives, and laboratories, this confidential information is not inadvertently transmitted?

The NPRM proposes that various parties review the custody and control form for correctness, for negatives as well as positives. Is this necessary at all for negatives? If a defect is found in the custody and control form for a negative, what action should be taken, and by whom? What, if any, impact do the procedures have on blind performance test procedures? Who will review lab results for this purpose under the alternatives?

What, if any, are the impacts of the procedures on consortia programs? Will these procedures decrease or increase consortia costs especially since consortia may be required by their different clients to use different methodologies for each?

Will these procedures allowing employer options add confusion, expense and delays in compliance efforts? Should the Department restrict the choice of procedures by limiting the frequency with which an employer can make a change in procedures, or limit certain procedures to the size of the employer, or require submission and approval of plans for all the regulated industries? Will the administrative costs of additional requirements outweigh possible economic benefits in altering processing of negative test results?

Has sufficient need been demonstrated for these proposals? That is, what degree of delay or additional cost involved with the present system would be saved by the alternatives, given their additional administrative complexity? Are sufficient quantified estimates available? Is it reasonable to expect market forces to adequately address industry concerns about MRO charges for processing of negative results? Most of the operating administrations' regulations have phased start dates depending on the size of the workforce. Therefore, nearly half of the regulated population is not yet testing. Should DOT wait until testing has been fully implemented before amending the current rule? Should DOT wait until program data is available on full implementation before amending the rule?

The NPRM seeks comment on the issue of whether the proposed procedures for review of negative test results should apply to all forms of testing or only to pre-employment testing. Is confidentiality of test results necessary in pre-employment testing? Is it more important for employers to have rapid return of test results from pre-employment testing than from other types of testing?

Is the MRO administrative review of negative results (including monitoring the specimen integrity, (i.e., dilution, temperature, interfering agents) more crucial in random, periodic, post-accident and reasonable cause testing? What impact would the sorting of pre-employment testing paperwork from other types of tests have on laboratory procedures, processing time and cost?

Regulatory Process Matters

This NPRM is neither a major rule under Executive Order 12291 nor a significant rule under DOT Regulatory Policies and Procedures. The proposal might reduce compliance costs for employers that take advantage of one of its new options. The Department certifies that the proposal would not, under the Regulatory Flexibility Act, have a significant economic impact on a substantial number of small entities. The amendment has no Federalism implications; hence, a Federalism Assessment has not been prepared.

Issued this 9th day of July 1990, at Washington, DC.

Samuel K. Skinner,

Secretary of Transportation.

List of Subjects in 49 CFR Part 40

Controlled substances, Transportation.

For the reasons set forth in the preamble, the Department of Transportation proposes to make the following amendments in title 49, Code of Federal Regulations, part 40:

PART 40—[AMENDED]

1. The authority citation for 49 CFR part 40 continues to read as follows:

Authority: 49 U.S.C. 102, 301, 322.

2. 49 CFR 40.29(g) is revised to read as follows:

§ 40.29 Laboratory analysis procedures.

* * * * *

(g) *Reporting results.* (1) The laboratory shall report test results to the employer, the designated employer representative, or employer's Medical Review Officer, as applicable (see § 40.33(a)) within an average of 5 working days after receipt of the specimen by the laboratory. Before any test result is reported (the results of initial tests, confirmatory tests, or quality control data), it shall be reviewed and the test certified as an accurate report by the responsible individual. The report shall identify the drugs/metabolites tested for, whether positive or negative, the specimen number assigned by the employer, and the drug testing laboratory specimen identification number (accession number), and may identify the drug(s) for which there was a confirmed positive test.

(2) The laboratory shall report as negative all specimens that are negative on the initial test or negative on the confirmatory test. Only specimens confirmed positive shall be reported positive for a specific drug.

(3) The laboratory report shall not include the quantitation of test results. The laboratory shall provide the quantitation of specified individual test results on the subsequent request of the MRO. The MRO shall not disclose quantitation of the test results to the employer. *Provided,* That the MRO may reveal the quantitation of a positive test result to the employer, the employee, or the decisionmaker in a lawsuit, grievance, or other proceeding initiated by or on behalf of the employee and arising from a verified positive drug test.

(4) The laboratory may transmit results by various electronic means (for example, teleprinters, facsimile, or computer) in a manner designed to ensure confidentiality of the information. Results may not be provided verbally by telephone. The laboratory and employer must ensure the security of the data transmission and limit access to any data transmission, storage, and retrieval system.

(5) The laboratory shall process copy 2 of the custody and control form in the following manner:

(i) For positive results the laboratory shall send to the designated employer representative or the MRO a certified true copy of the drug testing custody and control form (copy 2), which shall be signed (after the required certification block) by the individual responsible for day-to-day management of the drug testing laboratory or the individual responsible for attesting to the validity of the test reports, and attached to which shall be a copy of the test report.

(ii) For negative results, copy 2 of the custody and control form shall be processed depending upon which procedure an employer chooses (see § 40.33(a)) in the following manner:

(A) Transmitted to the MRO; or

(B) Transmitted to the designated employer representative; or

(C) Maintained by the laboratory where negative results are transmitted directly to the employer. The laboratory will transmit a separate report providing the laboratory accession number, specimen number, the employee I.D. or SSN along with the negative result.

(6) The laboratory shall provide to the employer official responsible for coordination of the drug testing program a monthly statistical summary of urinalysis testing of the employer's employees and shall not include in the summary any personal identifying information. Initial and confirmation data shall be included from test results reported within that month. Normally this summary shall be forwarded by registered or certified mail not more than 14 calendar days after the end of the month covered by the summary. The summary shall contain the following information:

(i) Initial Testing:

(A) Number of specimens received;

(B) Number of specimens reported out; and

(C) Number of specimens screened positive for:

Marijuana metabolites
Cocaine metabolites
Opiate metabolites
Phencyclidine
Amphetamine

(ii) Confirmatory Testing:

(A) Number of specimens received for confirmation;

(B) Number of specimens confirmed positive for:

Marijuana metabolite
Cocaine metabolite
Morphine, codeine
Phencyclidine
Amphetamine
Methamphetamine

Monthly reports shall not include data from which it is reasonably likely that information about individuals' tests can be readily inferred. If necessary, in order to prevent the disclosure of such data, the laboratory shall not send a report until data are sufficiently aggregated to make such an inference unlikely. In any month in which a report is withheld for this reason, the laboratory will so inform the employer in writing.

(7) The laboratory shall make available copies of all analytical results for employer drug testing programs when requested by DOT or any DOT agency with regulatory authority over the employer.

(8) Unless otherwise instructed by the employer in writing, all records pertaining to a given urine specimen shall be retained by the drug testing laboratory for a minimum of 2 years.

* * * * *

§ 40.33 [Amended]

3. In 49 CFR 40.33, paragraphs (a)–(h) are redesignated as paragraphs (b)–(i), respectively.

§ 40.33 [Amended]

4. In 49 CFR 40.33(b), as redesignated, paragraph (b)(2) is removed and the number (1) is removed as the designation for the remaining text of § 40.33(b).

§ 40.33 [Amended]

5. A new 49 CFR 40.33(a) is added to read as follows:

Alternative 1 to Paragraph (a)

(a) *Receipt and handling of laboratory results.* The laboratory shall transmit results of any drug tests conducted to comply with a DOT drug testing rule using any one of the following three procedures:

Alternative 2 to Paragraph (a)

(a) *Receipt and handling of laboratory results.* The laboratory shall transmit results of any pre-employment drug test conducted to comply with a DOT drug testing rule using any one of the following three procedures and of any other drug test conducted to comply with a DOT drug testing rule using the procedure set forth in paragraph (a)(1) of this section:

(1) All results, positive and negative, are transmitted to the employer's medical review officer (MRO). The MRO shall review negative results to ensure that the identifying information and the custody and control form are correct and retransmit these results to the employer. The MRO shall review the positive results as provided in this section.

(2) All results, positive and negative, are transmitted to a designated employer representative provided:

(i) This representative shall not be in the supervisory chain for and shall not be involved with personnel or disciplinary decisions concerning the employees being tested. There shall be a separation of functions established to ensure that the representative does not

transmit any information about test results to the employer except as provided in this paragraph.

(ii) The representative shall review negative results to ensure that identifying information and the custody and control form are correct and retransmit these results to the employer. The copy 2 of the custody and cotrol form shall not be provided to the employer.

(iii) The representative shall transmit positive results to the MRO, who shall review them as provided in this section. The MRO shall transmit verified positive results directly to the employer or to the designated employer representative. The MRO shall transmit verified negative results to the representative, who shall retransmit them to the employer, without in any way indicating that they were laboratory confirmed positive results that the MRO verified as negative. (3) All laboratory positive results are transmitted to the MRO and all negative results are transmitted to the employer provided:

(i) The MRO shall review positive results as provided in this section. The MRO shall transmit verified positive results to the employer.

(ii) The MRO shall transmit verified negative results back to the laboratory, which shall retransmit them to the employer, without in any way indicating that they were laboratory confirmed positive results that the MRO verified as negative.

(iii) The employer reviews the negative results to ensure that identifying information and the custody and control form (copy 6) are correct.

FR Doc. 90-16411 Filed 7-10-90; 4:56 pm]
BILLING CODE 4910-62-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 651

Northeast Multispecies Fishery

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Final notice to deny Flexible Area Action Systems #3 and #4 and notice of intent to monitor.

SUMMARY: NOAA issues this notice to inform the public and the fishing industry that the Northeast Regional Director has rejected the Multispecies Finfish Committee's (Committee) recommendations on Flexibile Area Action Systems #3 and #4. NOAA will take no action at this time under Amendment 3 to the Northeast Multispecies Fishery Management Plan, because the large concentrations of small yellowtail flounder and Atlantic cod that occurred this spring have dispersed. The Regional Director will continue to monitor these fisheries and will provide timely notice to the Committee if discard rates of sublegal fish exceed 50 percent for possible management action.

ADDRESSES: Comments on this notice may be sent to Richard B. Roe, Regional Director, National Marine Fisheries Service, One Blackburn Drive, Gloucester, MA 01930. Copies of the NMFS Northeast Regional Director's factfinding reports and the New England Fishery Management Council's (Council) impact analyses may be requested from the New England Fishery Management Council, Suntaug Office Park, 5 Broadway (Route 1), Saugus, MA 01960.

FOR FURTHER INFORMATION CONTACT: Jack Terrill (NMFS, Resource Policy Analyst), 508-281-9252.

SUPPLEMENTARY INFORMATION: Amendment 3 to the Northeast Multispecies Fishery Management Plan established a Felxible Area Action System (FAAS), whereby protection can be provided to concentrations of juvenile, sublegal, or spawning fish. Regulations implementing Amendment 3 were published on December 22, 1989 (54 FR 52803).

Under the provisions of 50 CFR 651.26, two notices were published June 15, 1990 (55 FR 24289 and 24290). The first announced that the Council would consider action under FAAS #3 to protect a large concentration of yellowtail flounder smaller than the legal minimum landing size in the eastern portion of the Southern New England/Mid-Atlantic Regional Closed Area extending shoreward, and the Nantucket Lightship area. The second notice announced consideration of FAAS #4, to proect a large concentration of Atlantic cod smaller than the legal minimum landing size in areas offshore of Massachusetts, New Hampshire, and Maine (generally described as Stellwagen Bank and Jeffreys Ledge).

The notices stated that the Council's Committee was considering managing these areas by closing all or parts of the areas to the use of all gear capable of taking groundfish. The notice specified that the required reports would be available on June 25, 1990, and that written comments on the action would be accepted until July 3, 1990, at which time public hearings on FAA #3 and FAAS #4 would be held. Two additional public hearings for FAAS #3 were held on June 26, 1990, in Fairhaven, Massachusetts, and on June 27, 1990, in Galilee, Rhode Island, to hear comments on the proposed action.

The Committee met July 3, 1990, to consider results of the Regional Director's fact-finding investigations, the Council's impact analyses of alternative measures, and public comments. The Committee found that the concentrations of smaller fish in the identified areas had dispersed and discard rates had dropped from the very high levels reported during the spring.

FAAS #3

Commenters on FAAS #3 warned that the sublegal fish would be returning to the Nantucket Lightship area in the upcoming weeks and months and that prompt action should be taken at that time.

The Committee recommended that the Regional Director implement a 5½ inch diamond mesh requirement or a closure for the Nantucket Lightship area, if further sea sampling demonstrates the discard rate exceeds 50 percent of the catch of yellowtail flounder. This recommended action was to apply to all bottom tending mobile gear capable of catching yellowtail flounder. The Committee also recommended continued monitoring of that part of the Southern New England Closed Area east of 71° 30' west longitude for possible action.

The Regional Director has rejected the Committee's recommendations, to the extent they would have the Regional Director institute unspecified protective measures if and when another concentration of small yellowtail flounder occurs. The FAAS regulations are predicated on the current existence of such a concentration and do not allow for actions contingent on future circumstances.

The Regional Director will follow the Committee's suggestion to continue monitoring these areas. In past years, small yellowtail flounder have been concentrated in the Nantucket Lightship area beginning in mid to late August through December. If this phenomenon reoccurs this summer, the Regional Director plans to institute, in collaboration with the Committee, an expedited FAAS proceeding to consider closing part or all of the area to bottom tending mobile gear capable of catching yellowtail flounder.

FAAS #4

Commenters on FAAS #4 reported

that there were still some discard problems on Northern Jefferys Ledge but this could not be confirmed by existing sea sampling data.

The Committee recommended further monitoring of Jeffreys Ledge, again with a view toward mesh regulation or area closure if the discard rate exceeds 50 percent of the catch of regulated groundfish species. The recommended action would apply to all bottom tending mobile gear capable of catching groundfish. The Regional Director has rejected the action portion of the Committee's recommendations, for the same reasons as in FAAS #3, but will continue monitoring the area.

Other Matters

This action is authorized by 50 CFR part 651 and is consistent with the Magnuson Act and other applicable law.

List of Subjects in 50 CFR Part 651

Fishing, Fisheries, Vessel permits and fees.

Dated: July 9, 1990.

Richard H. Schaefer,

Director, Office of Fisheries Conservation and Management.

[FR Doc. 90-16364 Filed 7-9-90; 5:05 pm]

BILLING CODE 3510-22-M

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50 CFR Part 662

Northern Anchovy Fishery

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Notice of withdrawal of amendment to fishery management plan.

SUMMARY: NOAA announced on May 9, 1990 (55 FR 19284), the availability of Amendment 6 to the Northern Anchovy Fishery Management Plan prepared by the Pacific Fishery Management Council. Amendment 6 has been withdrawn by the Council to consider additional provisions for habitat and weather-related vessel safety.

FOR FURTHER INFORMATION CONTACT: Svein Fougner, Chief, Fisheries Management and Analysis Branch, 213-514-6660.

Dated: July 9, 1990.

Richard H. Schaefer,

Director of Office of Fisheries Conservation and Management, National Marine Fisheries Service.

[FR Doc. 90-16365 Filed 7-12-90; 8:45 am]

BILLING CODE 3510-22-M

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50 CFR Part 669

[Docket No. 900786-0186]

RIN 0648-AD47

Shallow-Water Reef Fish Fishery of Puerto Rico and the U.S. Virgin Islands

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Proposed rule.

SUMMARY: NOAA issues this proposed rule to implement Amendment 1 to the Fishery Management Plan for the Shallow-Water Reef Fish Fishery of Puerto Rico and the U.S. Virgin Islands (FMP). This proposed rule would: (1) Increase the minimum allowable mesh size used in fish traps to 2 inches (5.08 centimeters); (2) prohibit the harvest or possession of Nassau grouper; (3) close an area of approximatly 14 square nautical miles (48 km^2) in the Exclusive Economic Zone (EEZ) southwest of St. Thomas, U.S. Virgin Islands, to fishing during the spawning season for red hind; and (4) prohibit the possession of dynamite or a similar explosive substance on board vessels in the fishery. In addition, Amendment 1 would: (1) Authorize the collection of socio-economic information in addition to the authorized collection of catch/effort, length/frequency and biological information; (2) add definitions of overfishing and overfished; and (3) update and editorially revise the habitat section of the FMP. The intended effects of this rule are to rebuild the declining reef fish species and to enhance enforcement.

DATES: Written comments must be received on or before August 27, 1990.

ADDRESSES: Copies of Amendment 1, which includes the draft regulatory impact review/initial regulatory flexibility analysis/environmental assessment (RIR/RFA/EA) are available from Miguel A. Rolon, Executive Director, Caribbean Fishery Management Council, Suite 1108, Banco de Ponce Building, Hato Rey, PR 00918.

Comments on the proposed rule, the amendment, or supporting documents should be sent to William R. Turner, Southeast Region, NMFS, 9450 Koger Boulevard, St. Petersburg, FL 33702.

FOR FURTHER INFORMATION CONTACT: William R. Turner, 813-893-3722.

SUPPLEMENTARY INFORMATION: The shallow-water reef fish fishery is managed under the FMP, prepared by the Caribbean Fishery Management Council (Council), and its implementing regulations at 50 CFR part 669, under authority of the Magnuson Fishery Conservation and Management Act (Magnuson Act).

Amendment 1 to the FMP proposes (1) additional mangement measures to rebuild declining reef fish species, (2) authorization for collection of socio-economic information, (3) definitions of overfishing and overfished, and (4) a revised habitat section. A notice of availability for the proposed amendment was published in the **Federal Register** 55 FR 25346, June 21, 1990).

Background

The FMP was implemented in 1985. New information indicates that more stringent management measures are needed to accomplish the objectives of the FMP. Recent statistics indicate a decrease in the overall volume of landings as well as a shift toward less desirable species. Species such as parrotfish are replacing once populous species, such as Nassau grouper, in the catch. This is occurring despite the management measures implemented so far.

The red hind size/frequency distribution shows a decline of the average size off Puerto Rico. The situation off the U.S. Virgin Islands regarding this species is such that fishermen have requested a closure of a specific site during the red hind spawning season (December-February). They have identified this spawning area as crucial to the survival of the fishery. This area southwest of St. Thomas is not only important for the fishermen in the U.S. Virgin Island, but also for the fishermen in Puerto Rico who will benefit from the larvae carried by the currents. From December 6, 1989, through February 28, 1990, this red hind spawning area was closed by emergency rule (54 FR 50624, December 8, 1989).

The FMP adopted a minimum size limit of 24 inches (60.96 centimeters) for Nassau grouper, based on the best scientific information available at the time. The 24 inch size limit was phased in starting with 12 inches (30.48 centimeters) and adding 1 inch (2.54 centimeters) per year. Currently, the minimum size limit is 16 inches (40.64 centimeters). This phase-in was intended to provide sufficient time to determine the age-length of Nassau grouper at first spawning. However, current data on landings show that the capture of Nassua grouper is rare and indicate that total prohibition of harvest is needed to allow the resource to rebuild.

A task team assembled by the Council examined the available data and recommended that the minimum mesh

size in fish traps be increased, that the harvest of Nassau grouper be prohibited, and that the spawning aggregations of red hind be protected, particulary in the area southwest of St. Thomas. The Council accepted the task team's recommendations and they are included in Amendment 1.

The proposed measures are responsive to the objectives of the FMP which are to restore and maintain adult stocks at levels that ensure adequate spawning and recruitment, to prevent the harvest of individuals of species of high value that are less than the optimum size, and to obtain the data necessary for stock assessment and monitoring of the fishery.

Additional Change

In addition to the changes to the existing regulations necessary to implement Amendment 1, NOAA proposes to prohibit the possession of dynamite or a similar explosive substance on board vessels in the reef fish fishery. The use of explosives, and the use of powerheads, is currently prohibited. Because of the large area that constitutes the fishing grounds and the small number of enforcement vessels, observation of the use of dynamite is difficult. NOAA is not aware of any legitimate use of dynamite or a similar explosive substance aboard a fishing vessel in the shallow-water reef fish fishery. Enforcement of the basic prohibition would be significantly enhanced by a prohibition on possession of dynamite or a similar explosive substance aboard vessels in the fishery. Although the use of powerheads in the fishery would continue to be prohibited, the charge in powerheads are not considered to be "dynamite or a similar explosive substance." Thus, mere possession of a powerhead aboard a vessel in the shallow-water reef fish fishery would not constitute a violation.

Classification

Section 304(a)(1)(D)(ii) of the Magnuson Act, as amended, requires the Secretary of Commerce (Secretary) to publish regulations proposed by a Council within 15 days of receipt of an FMP or FMP amendment. At this time, the Secretary has not determined that Amendment 1, which this proposed rule would implement, is consistent with the national standards, other provisions of the Magnuson Act, and other applicable law. The Secretary, in making that determination, will take into account the data, views, and comments received during the comment period.

This proposed rule is exempt from the procedures of Executive Order 12291 under section 8(a)(2) of that order. It is being reported to the Director, Office of Management and Budget, with an explanation of why it is not possible to follow the procedures of that order.

The Under Secretary for Oceans and Atmosphere, NOAA, has initially determined that this proposed rule is not a "major rule" requiring a regulatory impact analysis under Executive Order 12291. This proposed rule, if adopted, is not likely to result in an annual effect on the economy of $100 million or more; a major increase in costs or prices for consumers, individual industries, Federal, state, or local government agencies, or geographic regions; or a significant adverse effect on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The Council prepared a draft RIR, which concludes that this rule would have the following economic effects. For the management measures, which include the combined effect of the increased minimum allowable fish trap mesh size, the Nassau grouper closure, and the red hind spawning closure, there are positive benefits in terms of producer, consumer, and recreational surplus. Administrative costs will be fairly high. The net economic benefits are uncertain, depending on the cost and effectiveness of enforcement. Copies of the draft RIR may be obtained from the address listed above.

The Council prepared an initial RFA as part of the RIR that concludes that this rule, if adopted, would have significant impacts on 1500–2000 small business entities, summarized as follows. The combined effect of the management measures will likely result in a temporary reduction in gross revenues by more than five percent, followed by a period of several years of net producer benefits. Continuation of the net producer benefits will depend on additional conservation and management measures that may be implemented. Copies of the initial RFA may be obtained from the address listed above.

The Council prepared an EA that discusses the impact on the environment as a result of this rule. Copies of the EA may be obtained at the address listed above and comments on it are requested.

The Council determined that this rule will be implemented in a manner that is consistent to the maximum extent practicable with the approved coastal zone management programs of Puerto Rico and the U.S. Virgin Islands. These determinations were submitted for review by the responsible state agencies under Section 307 ofthe Coastal Zone Management Act. Both Puerto Rico and the U.S. Virgin Islands agreed with the determinations.

This proposed rule does not contain a collection-of-information requirement subject to the Paperwork Reduction Act.

This proposed rule does not contain policies with federalism implications sufficient to warrant preparation of a federalism assessment under Executive Order 12612.

List of Subjects in 50 CFR Part 669

Fisheries, Fishing.

Dated: July 9, 1990.

James E. Douglas, Jr.,

Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service.

For the reasons set forth in the preamble, 50 CFR part 669 is proposed to be amended as follows:

PART 669—SHALLOW-WATER REEF FISH FISHERY OF PUERTO RICO AND THE U.S. VIRGIN ISLANDS

1. The authority citation for part 669 continues to read as follows:

Authority: 16 U.S.C. 1801 *et seq.*

2. In § 669.7, in paragraph (c), the reference to "§ 669.21" is revised to read "§ 669.21(a)"; and paragraphs (e), (f), (g), (j), and (k) are revised to read as follows:

§ 669.7 Prohibitions.

* * * * *

(e) Possess a yellowtail snapper smaller than the minimum size limit, as specified in § 669.23(a), or without its head, fins, and tail intact, as specified in § 669.23(b).

(f) Fail to release a Nassau grouper or undersized yellowtail snapper with a minimum of harm, as specified in §§ 669.21(a) and 669.23(a).

(g) Fish in the area during the time specified in § 669.21(b).

* * * * *

(j) Fish with explosives or possess on board a fishing vessel any dynamite or similar explosive substance, as specified in § 669.24(b)(1).

(k) Fish with poisons, drugs, other chemicals, or a powerhead, as specified in § 669.24(b) (2) and (3).

* * * * *

3. Section 669.21 is revised to read as follows:

§ 669.21 Closed seasons.

(a) Nassau grouper may not be harvested or possessed in or from the EEZ year round. Nassau grouper caught in the EEZ must be released immediately with a minimum of harm.

(b) From December 1 through February 28, each year, fishing is prohibited in the area bounded by rhumb lines connecting the following points in the order listed:

Point	Latitude	Longitude
A	18°13.2' N.	65°06.0' W.
B	18°13.2' N.	64°59.0' W.
C	18°11.8' N.	64°59.0' W.
D	18°10.7' N.	65°06.0' W.
A	18°13.2' N.	65°06.0' W.

4. Section 669.23 is revised to read as follows:

§ 669.23 Size limitations.

(a) The minimum size limit for the harvest or possession of yellowtail snapper in or from the EEZ is 12 inches (30.48 centimeters) total length. Undersized yellowtail snapper caught in the EEZ must be released immediately with a minimum of harm.

(b) Yellowtail snapper possessed in the EEZ must have its head, fins, and tail intact and yellowtail snapper taken from the EEZ must have its head, fins, and tail intact through landing.

5. In § 669.24, a heading is added to paragraph (a), and paragraphs (a)(1) and (b) are revised to read as follows:

§ 669.24 Gear limitations.

(a) *Fish traps.* (1) Fish traps must have a minimum mesh size of 2 inches (5.08 centimeters) in the smallest dimension of the mesh opening.

* * * * *

(b) *Explosives, poisons, and powerheads.* (1) Explosives may not be used to fish for shallow-water reef fish in the EEZ. A vessel in the shallow-water reef fish fishery may not possess on board any dynamite or similar explosive substance.

(2) Poisons, drugs, or other chemicals may not be used to fish for shallow-water reef fish in the EEZ.

(3) A powerhead may not be used to fish for shallow-water reef fish in the EEZ.

[FR Doc. 90-16455 Filed 7-10-90; 2:46 pm]

BILLING CODE 3510-22-M

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50 CFR Part 674

RIN 0648-AC57

High Seas Salmon Fishery off Alaska; Correction

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Notice of availability of an amendment to a fishery management plan and request for comments; correction of closing date for receiving comments.

SUMMARY: In a notice of availability of Amendment 3 to the Fishery Management Plan for the High Seas Salmon Fishery off the Coast of Alaska, published June 8, 1990 (55 FR 23454), an incorrect closing date for receiving comments was inadvertently given. Therefore, NOAA is issuing this document to correct the closing date for receiving comments to read August 2, 1990.

DATES: Comments will be accepted until August 2, 1990.

FOR FURTHER INFORMATION CONTACT: Aven M. Anderson, Alaska Region, National Marine Fisheries Service, (907) 586-7228.

ADDRESSES: Send comments to the Director, Alaska Region, National Marine Fisheries Serivce, P.O. Box 21668, Juneau, Alaska 99802-1168.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: July 9, 1990.

Richard H. Schaefer,

Director of Office of Fisheries Conservation and Management, National Marine Fisheries Service.

[FR Doc. 90-16366 Filed 7-12-90; 8:45 am]

BILLING CODE 3510-22-M

Notices

Federal Register
Vol. 55, No. 135
Friday, July 13, 1990

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

1990–1991 Marketing Year Penalty Rates for All Kinds of Tobacco Subject to Quotas

AGENCY: Agricultural Stabilization and Conservation Service, USDA.

ACTION: Notice of determination: 1990–1991 marketing year penalty rates for all kinds of tobacco subject to quotas.

SUMMARY: This notice sets forth the determination of the 1990–1991 marketing year penalty rate for excess tobacco for all kinds of tobacco subject to marketing quotas. In accordance with section 314 of the Agricultural Adjustment Act of 1938, as amended, marketing quota penalties for a kind of tobacco are assessed at the rate of seventy-five (75) percent of the average market price for that kind of tobacco for the immediately preceding marketing year.

EFFECTIVE DATE: July 1, 1990.

FOR FURTHER INFORMATION CONTACT: Raymond S. Fleming, Supervisory Agricultural Program Specialist, Tobacco and Peanuts Division, USDA–ASCS, P.O. Box 2415, Washington, DC 20013, (202) 447–4318.

SUPPLEMENTARY INFORMATION: This rule has been reviewed under USDA procedures established in accordance with Executive Order 12291 and Department Regulation No. 1512–1 and has been classified as "not major." It has been determined that this rule will not result in: (1) An annual effect on the economy of $100 million or more; (2) a major increase in costs or prices for consumers, individual industries, Federal, State or local governments, or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises, to compete with foreign-based enterprises in domestic or export markets.

The title and number of the Federal Assistance Program to which this rule applies are: Commodity Loan and Purchases; 10.051, as found in the catalog of Federal Domestic Assistance.

It has been determined that the Regulatory Flexibility Act is not applicable to this notice since the Agricultural Stabilization and Conservation Service (ASCS) is not required by 5 U.S.C. 553 or any other provision of law to publish a notice of proposed rulemaking with respect to the subject matter of this notice.

This program/activity is not subject to the provisions of Executive Order 12372 which requires intergovernmental consultation with State and Local officials. See the Notice related to 7 CFR part 3015, subpart V, published at 48 FR 29115 (June 24, 1983).

Discussion

Section 314 of the Agricultural Adjustment Act of 1938, as amended, provides that the rate of penalty per pound for a kind of tobacco that is subject to marketing quotas shall be seventy-five (75) percent of the average market price for such tobacco for the immediately preceding marketing year. For all kinds of tobacco subject to marketing quotas, except Puerto Rico (type 46) Tobacco, The Agricultural Statistics Board, National Agricultural Statistical Service (NASS), U.S. Department of Agriculture determines and announces annually the average market prices for each type of tobacco. The penalty rates are determined on the basis of this information.

The National Marketing Quota for Puerto Rican (type-46) Tobacco for the immediately preceding marketing year was "0" pounds. There is no record of any such tobacco being marketed. Consequently, the penalty rate for the 1990–1991 marketing year cannot be determined based on seventy-five (75) percent of the average market price for the immediately preceding year. Therefore, the penalty rate for Puerto Rican (type-46) Tobacco for the 1990–1991 marketing year shall be the same as the penalty rate determined for the 1989–1990 marketing year, the last year in which marketing information is available.

Since the determination of the 1990–1991 marketing year rates of penalty reflect only mathematical computations which are required to be made in accordance with a statutory formula, it has been determined that no further public rulemaking is required.

Accordingly, it has been determined that the 1990–1991 marketing year rates of penalty of kinds of tobacco subject to marketing quotas are as follows:

RATE OF PENALTY

[1990–1991 marketing year]

Kinds of tobacco	Cents per pound
Flue-Cured	126
Burley	125
Fired-Cured (Type 21)	115
Fire-Cured (Types 22, 23, and 24)	149
Dark Air-Cured (Types 35 and 36)	128
Virginia Sun-Cured (Type 37)	101
Cigar-Filler and Binder (Types 42, 43, 44, 53, 54, and 55)	113
Puerto Rican Cigar Filler (Type-46)	57

Signed at Washington, DC on July 9, 1990.

Keith D. Bjerke

Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc. 90–16435 Filed 7–12–90; 8:45 am]
BILLING CODE 3410–05–M

Forest Service

EIS Wild and Scenic River Suitability Study for the Chewaucan River, Fremont National Forest, Lake County, OR

AGENCY: Forest Service, USDA.

ACTION: Cooperating agency: Correction.

SUMMARY: This is a correction to the notice which appeared in the April 27, 1990, Federal Register (55 FR 17773). The correction notice is to show that the Bureau of Land Management, Department of the Interior, will be invited to participate as a cooperating agency in this study report to determine the suitability or non-suitability of the Chewaucan River on the Fremont National Forest for inclusion into the National Wild and Scenic Rivers System.

FOR FURTHER INFORMATION CONTACT: Questions about the proposed action and draft EIS should be directed to Ben Kizer, Wild and Scenic River

Coordinator, Fremont National Forest, telephone (503) 947–2151.

Dated: June 22, 1990.

David E. Ketcham,

Director, Environmental Coordination

DEPARTMENT OF AGRICULTURE

Forest Service

[0–00154]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Legal Description of Lands Transferred Pursuant to the National Forest and Public Lands of Nevada Enhancement Act of 1988; Correction Notice

July 9, 1990.

AGENCIES: Bureau of Land Management, Interior. U.S. Forest Service, Agriculture.

ACTION: Correction notice.

SUMMARY: This notice makes a third correction to Document No. 89–27518 published on November 24, 1989, in Volume 54 **Federal Register**, Pages 48659–48664.

EFFECTIVE DATE: April 26, 1989.

FOR FURTHER INFORMATION CONTACT: Regarding land transferred to the U.S. Forest Service, contact Bob Larkin, Officer, Land Management and Planning, U.S. Forest Service, Toiyabe National Forest, 1200 Franklin Way, Sparks, Nevada 89431. Regarding land transferred to the Bureau of Land Management, contact Bob Stewart, Chief, Public Affairs Staff, Bureau of Land Management Nevada State Office, P.O. Box 12000, 850 Harvard Way, Reno, Nevada 89250.

SUPPLEMENTARY INFORMATION: The following corrections are made to Document No. 89–27518 published on November 24, 1989, in 54 FR 48659–48664:

1. Page 48659, third column, lines 25 and 26: Delete the legal description (S½SE¼SE¼SE¼) and replace with "SE¼SE¼SE¼, E½E½SW¼SE¼ SE¼SE¼."

2. Page 48660, first column, line 25: Change entire line to read, "Sec. 15, Lots 3, 6, E½NE¼, N½SE¼, SE¼SE¼;"

3. Page 48660, first column, line 29: Delete "sec. 24, N½."

4. Page 48660, second column, after line 13, add: "sec. 3, E½ of Lot 2 of NW¼;"

5. Page 48664, third column, line 32: The acres should read "704,401.09".

6. Page 48664, third column, line 35: The acres should read "269,927.448".

Fred Wolf,

Acting State Director, Nevada Bureau of Land Management.

R.M. (Jim) Nelson,

Supervisor, Toiyabe National Forest, U.S. Forest Service.

[FR Doc. 90–16437 Filed 7–12–90; 8:45 am]

BILLING CODE 4310–HC–M

DEPARTMENT OF AGRICULTURE

Packers and Stockyards Administration

Amendment to Certification of Central Filing System—Oklahoma

The statewide central filing system of Oklahoma has been previously certified, pursuant to section 1324 of the Food Security Act of 1985, on the basis of information submitted by Hannah D. Atkins, Secretary of State, for specified farm products produced in that State (52 FR 49056, December 29, 1987; 54 FR 52838, December 22, 1989).

The certification is hereby amended on the basis of information submitted by Hannah D. Atkins, Secretary of State, to include the following products produced in that State:

Grass, forage
Grass, sod
Grass seed (formerly grass)
Squash
Cucumbers

This is issued pursuant to authority delegated by the Secretary of Agriculture.

Authority: Sec. 1324(c)(2), Pub. L. 99–198, 99 Stat. 1535, 7 U.S.C. 1631(c)(2); 7 CFR 2.17(e)(3), 2.56(a)(3), 51 FR 22795.

Dated: July 9, 1990.

Virgil M. Rosendale,

Administrator, Packers and Stockyards Administration.

[FR Doc. 90–16436 Filed 7–12–90; 8:45 am]

BILLING CODE 3410–KD–M

DEPARTMENT OF COMMERCE

Agency Form Under Review by the Office of Management and Budget (OMB)

DOC has submitted to OMB for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: Bureau of the Census.
Title: 1900 Business Classification Survey.
Form Number(s): NC–9925.
Agency Approval Number: None
Type of Request: New collection.
Burden: 50,000 hours.
Number of Respondents: 200,000.
Avg Hours Per Response: 15 minutes.
Needs and Uses: Approximately 22 percent of new businesses cannot be assigned 4 digit Standard Industrial Classification (SIC) codes by the Social Security Administration. The Bureau of the Census will use the 1990 Business Classification Survey to obtain the information needed to assign SIC codes to these businesses and to update and verify the physical location of these establishments. The gathered data will provide detailed industry data for the economic censuses, current surveys, and maintenance of the Standard Statistical Establishment List (SSEL).
Affected Public: Businesses or other for-profit organizations, Small businesses or organizations, and Non-profit institutions.
Frequency: Annually.
Respondent's Obligation: Mandatory.
OMB Desk Officer: Don Arbuckle, 395–7340.

Copies of the above information collection proposal can be obtained by calling or writing Edward Michals, DOC Clearance Officer, (202) 377–3271, Department of Commerce, room H6622, 14th and Constitution Avenue NW., Washington, DC 20230.

Written comments and recommendations for the proposed information collection should be sent to Don Arbuckle, OMB Desk Officer, room 3208, New Executive Office Building, Washington, DC 20503.

Dated: July 9, 1990.

Edward Michals,

Departmental Clearance Officer, Office of Management and Organization.

[FR Doc. 90–16445 Filed 7–12–90; 8:45 am]

BILLING CODE 3510–07–M

Bureau of Export Administration

[Docket Nos. 9126–01 and 9127–01]

Export Privileges; Thomas Lee, et al.

Summary

Pursuant to the June 8, 1990, recommended Decision and Order of the Administrative Law Judge (ALJ), which Decision and Order is attached hereto and affirmed by me, Thomas Lee, also known as Yuk Sang Lee, and National Electronics, (hereafter Respondents) and all successors, assignees, officers, partners, representatives, agents and employees are hereby denied for a period of three years from the date hereof all privileges of participating directly or indirectly, in any manner or capacity, in any transaction involving

commodities or technical data exported from the United States in whole or in part, or to be exported, or that are otherwise subject to the Export Administration Regulations (15 CFR parts 768–799).

Order

On June 8, 1990, the ALJ entered his Recommended Decision and Order in the above-referenced matter. The Decision and Order, a copy of which is attached hereto and made a part hereof, has been referred to me for final action. Having examined the record and based on the facts in this case, I hereby affirm the Decisions and Order of the ALJ.

This constitutes final agency action in this matter.

Dated: June 29, 1990.

Dennis Kloske,

Under Secretary for Export Administration.

Decision and Order

Appearance for Respondent: Richard B. Caifano, Esq., 188 West Randolph Street, suite 626, Chicago, IL 60601

Appearance for Agency: Louis Rothberg, Esq., Office of Chief Counsel for Export Administration, U.S. Department of Commerce, room H–3837, 14th & Constitution Avenue NW., Washington, DC 20230.

Preliminary Statement

This proceeding against Respondents Thomas Lee and National Electronics was initiated with the issuance of a charging letter by the Office of Export Enforcement ("the Agency"), Bureau of Export Administration, U.S. Department of Commerce on June 27, 1989. It was issued under the authority of the Export Administration Act of 1979 (50 U.S.C.A. app. 2401–2420), as amended ("the Act") and the Export Administration Regulations ("the Regulations").[1] The charging letter alleged that between about April 1983 and July 7, 1984, Respondents conspired with Giga Control, Inc., Wide Trade Foundation, Ltd., Paul Wu, and others to export U.S. origin oscilloscopes, computers, electronic equipment and other commodities from the United States to Hong Kong, without the required validated export licenses.

The disposition of the proceedings against one of the conspirators, Giga Control, Inc., is contained in the Consent Agreement and Order approved by the Under Secretary, executed after the charging letter against that defunct corporate Respondent was withdrawn. 54 FR 42002 (1989). The charging letters relating to the other Respondents were withdrawn and the cases dismissed on September 27, 1989.

The initial proceedings, finding these Respondents in default were set aside by the Under Secretary, 54 FR 48790 (1989), on his finding that due process requires that Respondents have actual notice of the proceeding. Their return of mail from the last-known address, furnished by the Agency, reflected that service had not been effected.

In February 1990, Agency Counsel filed proof of service upon Respondent. Thereafter, Respondent appeared through Counsel and entered a general denial.

The parties have now submitted a Consent Agreement which is accepted. To settle the alleged violation of § 787.3(b), the parties have agreed that a three-year denial of U.S. export privileges would be imposed on Respondents.

They further agree that the Act and regulations confer jurisdiction with respect to the matters identified in the charging letter; that they wish to settle and dispose of all allegations made in the Charging Letter by the Consent Agreement and agree to be bound by the final Order when entered.

Order

I. For a period of 3 years from the date of the final Agency action, Respondents

Thomas Lee, also known as Yuk Sang Lee, 426 Escuela Avenue, #13, Mountain View, CA 94040, and 1692 Cedar Creek Drive, San Jose, CA 95121, and National Electronics, 426 Escuela Avenue, Mountain View, CA 94040,

and all successors, assignees, officers, partners, representatives, agents, and employees hereby are denied all privileges of participating, directly or indirectly, in any manner or capacity, in any transaction involving commodities or technical data exported from the United States in whole or in part, or to be exported, or that are otherwise subject to the Regulations.

II. Participation prohibited in any such transaction, either in the United States or abroad, shall include, but not be limited to, participation:

(i) As a party or as a representative of a party to a validated or general export license application;

(ii) In preparing or filing any export license application or request for reexport authorization, or any document to be submitted therewith;

(iii) In obtaining or using any validated or general export license or other export control document;

(iv) In carrying on negotiations with respect to, or in receiving, ordering, buying, selling, delivering, storing, using, or disposing of, in whole or in part, any commodities or technical data exported from the United States, or to be exported; and

(v) In the financing, forwarding, transporting, or other servicing of such commodities or technical data.

Such denial of export privileges shall extend to those commodities and technical data which are subject to the Act and the Regulations.

III. After notice and opportunity for comment, such denial of export privileges may be made applicable to any person, firm, corporation, or business organization with which the Respondents are now or hereafter may be related by affiliation, ownership, control, position of responsibility, or other connection in the conduct of trade or related services.

IV. All outstanding individual validated export licenses in which Respondents appears or participates, in any manner or capacity, are hereby revoked and shall be returned forthwith to the Office of Export Licensing for cancellation. Further, all of Respondents' privileges of participating, in any manner or capacity, in any special licensing procedure, including, but not limited to, distribution licenses, are hereby revoked.

V. No person, firm, corporation, partnership, or other business organization, whether in the United States or elsewhere, without prior disclosure to and specific authorization from the Office of Export Licensing, shall, with respect to commodities and technical data, do any of the following acts, directly or indirectly, or carry on negotiations with respect thereto, in any manner or capacity, on behalf of or in any association with any Respondent or any related person, or whereby any Respondent or any related person may obtain any benefit therefrom or have any interest or participation therein, directly or indirectly:

(i) Apply for, obtain, transfer, or use any license, Shipper's Export Declaration, bill of lading, or other export control document relating to any export, reexport, transshipment, or diversion of any commodity or technical data exported in whole or in part, or to be exported by, to, or for any Respondent or related person denied export privileges, or

[1] The Act was reauthorized and amended by the Export Administration Amendments Act of 1985, Public Law 99–64, 99 Stat. 120 (July 12, 1985), and amended by the Omnibus Trade and Competitiveness Act of 1988, Public Law 100–418, 102 Stat. 1107 (August 23, 1988).

The Regulations, formerly codified at 15 CFR parts 368–399, were redesignated as 15 CFR parts 768–799, effective October 1, 1988 (53 FR 37751, September 28, 1988).

(ii) Order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance or otherwise service or participate in any export, reexport, transshipment or diversion of any commodity or technical data exported or to be exported from the United States.

VI. This Order as affirmed or modified shall become effective upon entry of the Secretary's final action in this proceeding pursuant to the Act (50 U.S.C.A. app. 2412(c)(1)).

Dated: June 8, 1990.

Hugh J. Dolan,

Administrative Law Judge.

To be considered in the 30 day statutory review process which is mandated by section 13(c) of the Act, submissions must be received in the Office of the Under Secretary for Export Administration, U.S. Department of Commerce, 14th & Constitution Avenue NW., room 3898B, Washington, DC, 20230, within 12 days. Replies to the other party's submission are to be made within the following 8 days. 15 CFR 388.23(b), 50 FR 53134 (1985). Pursuant to section 13(c)(3) of the Act, the order of the final order of the Under Secretary may be appealed to the U.S. Court of Appeals for the District of Columbia within 15 days of its issuance.

[FR Doc. 90-15861 Filed 7-12-90; 8:45 am]

BILLING CODE 3510-DT-M

Foreign-Trade Zones Board

[Order No. 480]

Resolution and Order Approving the Application of the Greater Cincinnati Foreign-Trade Zone, Inc., for Subzone Status at the Clarion Auto Audio Products Plant, Walton, KY

Proceedings of the Foreign-Trade Zones Board, Washington, DC

Resolution and Order

Pursuant to the authority granted in the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a-81u), the Foreign-Trade Zones Board (the Board) has adopted the following Resolution and Order:

The Board, having considered the matter, hereby orders:

After consideration of the application of the Greater Cincinnati Foreign-Trade Zone, Inc., grantee of FTZ 47, filed with the Foreign-Trade Zones Board on September 6, 1988, requesting special-purpose subzone status for the automobile audio equipment manufacturing plant of Clarion Manufacturing Corporation of America, located in Walton, Kentucky, adjacent to the Cincinnati Customs port of entry, the Board, finding that the requirements of the Foreign-Trade Zones Act, as amended, and the Board's regulations are satisfied, and that the proposal is in the public interest, approves the application.

The Secretary of Commerce, as Chairman and Executive Officer of the Board, is hereby authorized to issue an appropriate Board Order.

Grant of Authority To Establish a Foreign-Trade Subzone in Walton, Kentucky, Adjacent to the Cincinnati Customs Port of Entry

Whereas, by an act of Congress approved June 18, 1934, an Act "To provide for the establishment, operation, and maintenance of foreign-trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes," as amended (19 U.S.C. 81a-81u) (the Act), the Foreign-Trade Zones Board (the Board) is authorized and empowered to grant to corporations the privilege of establishing, operating, and maintaining foreign-trade zones in or adjacent to ports of entry under the jurisdiction of the United States;

Whereas, the Board's regulations (15 CFR 400.304) provide for the establishment of special-purpose subzones when existing zone facilities cannot serve the specific use involved, and where a significant public benefit will result;

Whereas, the Greater Cincinnati Foreign-Trade Zone, Inc., grantee of Foreign-Trade Zone 47, Campbell County, Kentucky, has made application (filed September 6, 1988, FTZ Docket 28-88, 53 FR 36086), in due and proper form to the Board for authority to establish a special-purpose subzone at the automobile audio equipment manufacturing plant of Clarion Manufacturing Corporation of America, Inc., located in Walton, Kentucky, adjacent to the Cincinnati Customs port of entry;

Whereas, notice of said application has been given and published, and full opportunity has been afforded all interested parties to be heard; and

Whereas, the Board has found that the requirements of the Act and the Board's regulations are satisfied and that the proposal is in the public interest;

Now, Therefore, in accordance with the application filed September 6, 1988, the Board hereby authorizes the establishment of a subzone at the Clarion plant in Walton, Kentucky, designated on the records of the Board as Foreign-Trade Subzone No. 47A at the location mentioned above and more particularly described on the maps and drawings accompanying the application, said grant of authority being subject to the provisions and restrictions of the Act and regulations, and also to the following express conditions and limitations:

Activation of the subzone shall be commenced within a reasonable time from the date of issuance of the grant, and prior thereto any necessary permits shall be obtained from federal, state, and municipal authorities.

Officers and employees of the United States shall have free and unrestricted access to and throughout the foreign-trade subzone in the performance of their official duties.

The grant shall not be construed to relieve responsible parties from liability for injury or damage to the person or property of others occasioned by the construction, operation, or maintenance of said subzone, and in no event shall the United States be liable therefor.

The grant is further subject to settlement locally by the District Director of Customs and the Army District Engineer with the Grantee regarding compliance with their respective requirements for the protection of the revenue of the United States and the installation of suitable facilities.

In Witness Whereof, the Foreign-Trade Zones Board has caused its name to be signed and its seal to be affixed hereto by its Chairman and Executive Officer at Washington, DC, this 6th day of July 1990, pursuant to Order of the Board.

Foreign-Trade Zones Board.

Eric I. Garfinkel,

Assistant Secretary of Commerce for Import Administration, Chairman, Committee of Alternates.

Attest:

John J. Da Ponte, Jr.,

Executive Secretary.

[FR Doc. 90-16450 Filed 7-12-90; 8:45 am]

BILLING CODE 3510-DS-M

[Order No. 479]

Removal of Time Limit and Restricted Approval for Manufacture of Steel Tubular Products Foreign-Trade Zone 157, Casper, WY

Pursuant to its authority under the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a-81u), the Foreign-Trade Zones Board (the Board) adopts the following Order:

The request of the Natrona County International Airport Board, grantee of FTZ 157, Casper, Wyoming, to remove the time limit on the grant of authority for FTZ 157 (FTZ Docket 2-80) and its request on behalf of Inter-Mountain Threading, Inc., for authority to process steel tubular products

under zone procedures in FTZ 157 (A-12-90) are approved subject to a restriction requiring privileged foreign status (19 CFR 146.41 and .65(a)) on foreign steel mill products admitted to the IMT zone operation.

This authority is granted subject to all other conditions in Board Order 436 (54 FR 28455, 7/6/89), which authorized establishment of Foreign-Trade Zone 157.

Signed at Washington, DC, this 6th day of July 1990.

Eric I. Garfinkel,

Assistant Secretary of Commerce for Import Administration, Chairman, Committee of Alternates Foreign-Trade Zones Board.

Attest:

John J. Da Ponte, Jr.,

Executive Secretary.

[FR Doc. 90-16451 Filed 7-12-90; 8:45 am]

BILLING CODE 3510-DS-M

International Trade Administration

[A-122-047]

Elemental Sulphur From Canada; Final Results of Antidumping Duty Administrative Review

AGENCY: International Trade Administration/Import Administration, Department of Commerce.

ACTION: Notice of final results of antidumping duty administrative review.

SUMMARY: On June 19, 1987, and February 3, 1988, the Department of Commerce published the preliminary results of its administrative review of the antidumping finding on elemental sulphur from Canada for the periods December 1, 1982 through November 30, 1984 and December 1, 1984 through November 30, 1986, respectively. We held a hearing on September 23, 1987 after the June 19, 1987 publication. Due to issues raised in the hearing with respect to one exporter, we deferred our final analysis of that exporter. We received no comments after the February 3, 1988 publication. Pending our final determination of the exporter from the previous review, we deferred the final results for that exporter's sales in the later review. This notice includes our final results for the deferred exporter for the period December 1, 1982 through November 30, 1986.

EFFECTIVE DATE: July 13, 1990.

FOR FURTHER INFORMATION CONTACT: Joseph A. Fargo or Laurie A. Lucksinger, Office of Antidumping Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone: (202) 377-5253.

SUPPLEMENTARY INFORMATION:

Background

On June 19, 1987, the Department of Commerce (the Department) published the preliminary results of administrative review (52 FR 23327) of the antidumping finding on elemental sulphur from Canada (38 FR 35655, December 17, 1973) for the period December 1, 1982 through November 30, 1984. On September 23, 1987, we held a hearing on those preliminary results. The notice of final results of review was published on January 15, 1988 (53 FR 1048). However, as a result of issues raised at the hearing, we deferred our final results of review for one exporter, InterRedec.

On February 3, 1988, we published our preliminary results for the period December 1, 1984 through November 30, 1986 (53 FR 3062). On April 28, 1988, we published the final results of the review (53 FR 15257), again deferring our final analysis of InterRedec for the period until we made a final decision on the earlier period.

Scope of the Review

Imports covered by the review are shipments of elemental sulphur from Canada. During the review periods such merchandise was classifiable under item 415.4500 of the Tariff Schedules of the United States Annotated (TSUSA). This merchandise is currently classifiable under Harmonized Tariff System (HTS) item 2503.10.00. The TSUSA and HTS item numbers are provided for convenience and Customs purposes. The written description remains dispositive.

The review covers InterRedec for the period December 1, 1982 through November 30, 1986.

Analysis of Comments Received

We gave interested parties an opportunity to comment on the preliminary results published on June 19, 1987. We received comments from the petitioner, Freeport MacMoRan, Inc. (Freeport). At the request of the petitioner, we held a public hearing on September 23, 1987. We received no comments on our February 3, 1988 preliminary results.

Comment 1: Freeport contends that U.S. sales by InterRedec were calculated incorrectly as purchase price rather than exporter's sales price transactions. The related importer, Conserv, did not resell the sulphur but transformed it into sulphuric acid, which was used in the production of fertilizer and subsequently discarded as the waste product. Petitioner maintains that the Department should use the additional processing methodology set out in section 772(e)(3) of the Tariff Act of 1930 (the Tariff Act) and that there is no authority for use of purchase price methodology where an importer sells merchandise to the related U.S. company for use in the related company's production operations.

Department's Position: We agree with Freeport that U.S. price should be calculated using exporter's sales price, but only for Conserv's sales of sulphuric acid to an unrelated party. We have reviewed our analysis of sales by InterRedec of elemental sulphur to its related customer, Conserv, and confirmed that Conserv converted the elemental sulphur to sulphuric acid. We also confirmed that Conserv then either sold the sulphuric acid to an unrelated party in the United States, or used the sulphuric acid to produce fertilizer and sold the fertilizer to an unrelated party in the United States. Conserv subsequently discarded the sulphuric acid used to produce fertilizer as waste.

We calculated U.S. price using the exporter's sales price for sales by Concerv of sulphuric acid to an unrelated party by adjusting for further processing costs under section 772(e)(3) of the Tariff Act. In this regard, we verified information regarding the cost of fabrication and expenses in the production of sulphuric acid using the imported sulphur.

The U.S. Customs Service determined on January 10, 1978 that Canadian elemental sulphur imported into the United States by a related party and used by that party to produce fertilizer prior to the sale of that fertilizer to an unrelated party was not within the scope of the antidumping finding on elemental sulphur from Canada. Therefore, we have not calculated U.S. price on sales by Conserv of fertilizer to an unrelated party.

Comment 2: Freeport contends that, in the InterRedec questionnaire response, the company used the date of shipment as the date of sale. InterRedec did not provide any justification for this assertion. Freeport asserts that it has long been the Department's practice to recognize a sale only when all key elements (i.e., binding commitment, irrevocable price, quantities to be purchased) are firm. In addition, it is unclear from the response and the verification report whether all relevant contract terms were fully and finally set prior to the date of importation. The Department must verify InterRedec's claim before calculating purchase price for these sales.

Department's Position: We calculated the purchase price of InterRedec's sales to unrelated U.S. customers because all such sales were ordered prior to the date of shipment. Prior to shipment the

customer and InterRedec agree that the price and quantity of sulphur will be determined on the date of shipment. Therefore, since only on the date of shipment are the quantity and price established, the date of shipment represents the date of sale. To substantiate this, we examined sales forms and order forms in our verification of InterRedec's response. Sales documents show that all terms of sales were established on the date of shipment. Therefore, use of the shipment date as the date of sales is appropriate.

Comment 3: Although InterRedec stated in its response that the terms of payment in Canada and the United States were net 30 days from the date of invoice, Freeport notes that InterRedec acknowledged that the actual terms of payment varied slightly by customer. The antidumping law and the Department's administrative practice require an adjustment for credit expense differentials. Freeport argues that the Department must obtain information on InterRedec's actual credit expense and verify the data. If no such data are available, the Department must develop a credit expense adjustment based on the best information otherwise available.

Department's Position: We agree. The Department requested and received additional information from InterRedec regarding interest rates and actual payment date. We also verified that data. We used this information in our calculations.

Final Results of Review

After our analysis of the comments received, the final results of review are unchanged from those presented in the notices of preliminary results of review, and we determine that the following margins exist:

Manufacturer	Period of review	Margin (percent)
InterRedec	12/1/82-11/30/84	0
	12/1/84-11/30/86	0

The Department will instruct the Customs Service to assess no antidumping duties on all appropriate entries. The Department will issue appraisement instructions directly to the Customs Service.

The cash deposit requirements in our notice of final results of administrative review (55 FR 13179, April 9, 1990) remain in effect for InterRedec and all other firms.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and 19 CFR 353.22.

Eric I. Garfinkel,

Assistant Secretary for Import Administration.

[FR Doc. 90-16446 Filed 7-12-90; 8:45 am]

BILLING CODE 3510-DS-M

[A-122-047]

Elemental Sulphur From Canada; Preliminary Results of Antidumping Duty Administrative Review and Intent To Revoke in Part

AGENCY: International Trade Administration/Import Administration, Department of Commerce.

ACTION: Notice of preliminary results of antidumping duty administrative review and intent to revoke in part.

SUMMARY: In response to requests by seven respondents, the Department of Commerce has conducted an administrative review of the antidumping finding on elemental sulphur from Canada. The review covers seven producers and/or exporters of this merchandise and generally the period December 1, 1987 through November 30, 1988. The review indicates the existence of dumping margins for certain firms during the period.

As a result of the review, the Department intends to revoke in part the antidumping finding with respect to B.P. Resources Canada, Cornwall Chemicals, Home Oil, and Suncor.

Interested parties are invited to comment on these preliminary results and intent to revoke in part.

EFFECTIVE DATE: July 13, 1990.

FOR FURTHER INFORMATION CONTACT: Joseph A. Fargo or Laurie A. Lucksinger, Office of Antidumping Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC, telephone: (202) 377-5253.

SUPPLEMENTARY INFORMATION:

Background

On April 9, 1990, the Department of Commerce (the Department) published in the **Federal Register** (55 FR 13179) the final results of its last administrative review of the antidumping finding on elemental sulphur from Canada (38 FR 35655, December 17, 1973). Seven respondents requested in accordance with 19 CFR 353.53a(a) that we conduct an administrative review. We published a notice of initiation on January 31, 1989 (54 FR 4871). The Department has now conducted that administrative review in accordance with section 751 of the Tariff Act of 1930 (the Tariff Act).

Scope of the Review

Imports covered by the review are shipments of elemental sulphur from Canada. During the review period such merchandise was classifiable under item 415.4500 of the Tariff Schedules of the United States Annotated (TSUSA). This merchandise is currently classifiable under Harmonized Tariff System (HTS) item 2501.10.00. The TSUSA and HTS item numbers are provided for convenience and Customs purposes. The written description remains dispositive. The review covers seven producers and/or exporters of Canadian elemental sulphur to the United States and generally the period December 1, 1987 through November 30, 1988.

United States Price

In calculating United States price the Department used purchase price or exporter's sales price (ESP), both as defined in section 772 of the Tariff Act. Purchase price was based on the f.o.b. or delivered price to unrelated purchasers in the United States. ESP was based on the packed, delivered price to the first unrelated purchaser in the United States. We made adjustments, where applicable, for foreign and U.S. inland freight, brokerage and handling charges, and in ESP calculations, the U.S. subsidiary's selling expenses. No other adjustments were claimed or allowed.

Foreign Market Value

In calculating foreign market value, the Department used home market price as defined in section 773 of the Tariff Act. Home market prices were based on f.o.b. prices or delivered prices to unrelated purchasers in the home market. We made adjustments, where applicable, for tank car expenses. We also made an adjustment for indirect home market selling expenses to offset U.S. selling expenses in ESP calculations. We limited this adjustment to the value of the U.S. selling expenses. No other adjustments were claimed or allowed.

Preliminary Results of the Review and Intent To Revoke in Part

As a result of our review, we preliminary determine that the following margins exist:

Producer/exporter	Period of review	Margin (percent)
BP Resources Canada	12/01/87-3/2/89	0
Cornwall Chemicals	12/01/87-3/2/89	3.84

Producer/exporter	Period of review	Margin (percent)
Home Oil Company Ltd.	12/01/87-3/2/89	0
InterRedec	12/01/87-11/30/88	0
Petro-Canada Resources	12/01/87-11/30/88	0
Sulco Chemicals	12/01/87-11/30/88	0
Suncor	12/01/87-3/2/89	[1] 0

[1] No shipments during the period; margins from last review in which there were shipments.

Parties to the proceeding may request disclosure within 5 days of publication of this notice and may request a hearing within 10 days of publication. Any hearing, if requested, will be held 44 days after the date of publication or the first workday thereafter. Case briefs from interested parties may be submitted not later than 30 days after the date of publication. Rebuttal briefs, limited to issues raised in the case briefs, may be filed not later than 37 days after the date of publication. The Department will publish the final results of the administrative review, including the results of its analysis of any such comments or hearing.

The Department shall determine, and the Customs Service shall assess, antidumping duties on all appropriate entries. The Department will issue appraisement instructions on each exporter directly to the Customs Service.

Furthermore, a cash deposit of estimated antidumping duties based on the above margins shall be required for these firms. For any shipments of this merchandise produced or exported by the remaining known producers and/or exporters not covered in this review, the cash deposit will continue to be at the rate published in the final results of the last administrative review for those firms. For any future entries of this merchandise from a new producer and/or exporter, not covered in this or prior administrative reviews, whose first shipment occurred after November 30, 1988, and who is unrelated to the reviewed firms or any previously reviewed firm, no cash deposit will be required. These deposit requirements are effective for all shipments of Canadian elemental sulphur entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this administrative review.

On March 2, 1989, we tentatively determine to revoke in part the antidumping finding on elemental sulphur from Canada for B.P. Resources Canada, Cornwall Chemicals, Home Oil Company Limited, and Suncor (54 FR 8770). Cornwall and Suncor made no shipments of the subject merchandise to the United States for four years. B.P. Resources made all sales of the imported merchandise at not less than fair value for one year and made no shipments of the subject merchandise to the United States for four years. Home Oil Company Limited made sales of the imported merchandise at not less than fair value for two years. As provided for in 19 CFR 353.54(e) (1988), these four firms agreed in writing to an immediate suspension of liquidation and reinstatement of the antidumping finding under circumstances specified in the agreements. Therefore, if this partial revocation is made final, it will apply to all unliquidated entries of this merchandise produced and exported by these four companies, and entered or withdrawn from warehouse, for consumption on or after March 2, 1989.

This administrative review, intent to revoke in part, and notice are in accordance with sections 751 (a)(1) and (c) of the Tariff Act (19 U.S.C. 1675(a)(1)(c)) and 19 CFR 353.54 (1988).

Dated: July 5, 1990.

Eric I. Garfinkel,

Assistant Secretary for Import Administration.

[FR Doc. 90-16447 Filed 7-12-90; 8:45 am]

BILLING CODE 3510-DS-M

[A-588-066]

Steel Wire Strand for Prestressed Concrete From Japan; Final Results of Changed Circumstances Antidumping Duty Administrative Review

AGENCY: International Trade Administration/Import Administration, Department of Commerce.

ACTION: Final results of changed circumstances antidumping duty administrative review.

SUMMARY: On March 5, 1990, the Department of Commerce published the initiation and preliminary results of its changed circumstances administrative review of the antidumping finding on steel wire strand for prestressed concrete from Japan. The review covers one exporter of Japanese steel wire strand for prestressed concrete.

We gave interested parties an opportunity to comment on our preliminary results. Based on our analysis of the comments received, our results are unchanged from those presented in our preliminary results of review.

EFFECTIVE DATE: July 12, 1990.

FOR FURTHER INFORMATION CONTACT: Michael J. Heany or Robert Marenick, Office of Antidumping Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone: (202) 377-4195/5255.

SUPPLEMENTARY INFORMATION: .

Background

On March 5, 1990, the Department of Commerce ("the Department") published in the **Federal Register** (55 FR 7759) the initiation and preliminary results of its changed circumstances administrative review of the antidumping finding on steel wire strand for prestressed concrete ("strand") from Japan. We have now completed the changed circumstances administrative review in accordance with section 751(b) of the Tariff Act of 1930, as amended ("the Tariff Act").

Scope of the Review

Imports covered by the review are shipments of steel wire strand, other than alloy steel, not galvanized, which are stress-relieved and suitable for use in prestressed concrete. Such merchandise is currently classifiable under Harmonized Tariff Schedule (HTS) item number 7312.10.30.15. The HTS item number is provided for convenience and Customs purposes. The written description remains dispositive. The review covers Kawasaki Steel Techno Wire ("KSTW"), the successor to Kawatetsu Wire Products Co., Ltd.

Analysis of Comments Received

We invited interested parties to comment on the preliminary results. We received comments from American Spring Wire Corporation and Florida Wire & Cable Company, the petitioners.

Comment 1: The petitoners argue that the Department should notify KSTW that it will resume its investigation of KSTW if it determines that KSTW is selling steel wire strand produced by another Japanese company.

Department's Position: We agree. Our exclusion is applicable to merchandise manufactured and exported by KSTW. If KSTW were to export to the United States merchandise manfactured by another manufacturer, such merchandise would be subject to cash deposits, withholding of appraisement, and potential dumping duties.

Final Results of Review

Based on our analysis of the comments received, the final results of review are unchanged from those presented in the preliminary results. Accordingly, the "discontinuance" applicable to Kawatetsu is also applicable to KSTW.

This notice is in accordance with 19 U.S.C. 751(b), and section 353.22(f) of the Commerce Regulations, 19 CFR 353.22(f).

Dated: July 5, 1990.

Eric I. Garfinkel,

Assistant Secretary for Import Administration.

[FR Doc. 90-16448 Filed 7-12-90; 8:45 am]

BILLING CODE 3510-DS-M

[C-201-009]

Certain Iron-Metal Construction Castings From Mexico; Preliminary Results of Countervailing Duty Administrative Review

AGENCY: International Trade Administration/Import Administration, Department of Commerce.

ACTION: Notice of preliminary results of countervailing duty administrative review.

SUMMARY: The Department of Commerce has conducted an administrative review of the countervailing duty order on certain iron-metal construction castings from Mexico. We preliminarily determine the total bounty or grant for the period January 1, 1986, through December 31, 1986, to be 0.06 percent *ad valorem*. In accordance with 19 CFR 355.7, any rate less than 0.50 percent *ad valorem* is *de minimis*. We invite interested parties to comment on these preliminary results.

EFFECTIVE DATE: July 13, 1990.

FOR FURTHER INFORMATION CONTACT: Laurie Goldman or Paul McGarr, Office of Countervailing Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone: (202) 377-2786.

SUPPLEMENTARY INFORMATION:

Background

On January 25, 1989, the Department of Commerce (the Department) published in the **Federal Register** (54 FR 3632) the final results of its last administrative review of the countervailing duty order on certain iron-metal construction castings from Mexico (48 FR 8834; March 2, 1983). On March 27, 1987, and March 31, 1987, petitioners and the Government of Mexico, respectively, requested an administrative review of the order for the period January 1, 1986, through December 31, 1986. We initiated the review on April 22, 1987 (52 FR 13269). The Department has now conducted this administrative review in accordance with section 751 of the Tariff Act of 1930 (the Tariff Act).

Scope of Review

Imports covered by this review are shipments of Mexican iron-metal construction castings ("castings"), including manhole covers, rings and frames, cleanout covers and grates, meter boxes and valve boxes. These castings are commonly called municipal or public works castings. During the review period, such merchandise was classifiable under items 657.0950, 657.0990, 657.2540 and 657.2550 of the *Tariff Schedules of the United States Annotated* (TSUSA). This merchandise is currently classifiable under item numbers 7325.10.0010 and 7325.10.0050 of the *Harmonized Tariff Schedule* (HTS). The TSUSA and HTS item numbers are provided for convenience and Customs purposes. The written description remains dispositive.

The review covers the period January 1, 1986, through December 31, 1986, and 14 programs.

Analysis of Programs

(1) FOMEX

The Fund for the Promotion of Exports of Mexican Manufactured Products (FOMEX) is a trust of the Mexican Treasury Department, with the National Bank of Foreign Trade acting as trustee for the program. The National Bank of Foreign Trade, through financial institutions, makes FOMEX loans available at preferential rates to Mexican exporters and U.S. importers for two purposes: pre-export financing and export financing. We consider loans to U.S. importers as loans to corresponding Mexican exporters. We consider both pre-export and export FOMEX loans to confer export bounties or grants since these loans are given only on merchandise destined for export.

We found that the annual interest rate financial institutions charged borrowers for dollar-denominated FOMEX export financing ranged from 5.4 to 8.3 percent during the review period. No exporter of castings used FOMEX pre-export financing, and only one exporter used FOMEX export financing during the review period.

We consider the benefit from loans to occur when the interest is paid. Since interest on FOMEX export loans is prepaid, we calculated the benefit from all FOMEX export loans that were received during the review period. To determine the effective interest rate benchmark for dollar loans, we used an average of the quarterly weighted average effective interest rates published in the Federal Reserve Bulletin, which was 10.47 percent in 1986.

Because FOMEX export loans are tied to exports to specific countries, we measured the benefit only from FOMEX export loans tied to U.S. shipments. We allocated the sum of the one company's benefit from export loans over the total value of exports of this merchandise to the United States during the review period and calculated a benefit that was significantly less than 0.01 percent *ad valorem*. The weighted-average country-wide benefit from this program is effectively zero.

(2) FOGAIN

The Guarantee and Development Fund for Medium and Small Industries (FOGAIN) is a program that provides long-term loans to all small and medium-size firms in Mexico. The interest rates under the program vary depending on whether a small or medium-size business has been granted priority status, and whether a business is located in a zone targeted for industrial growth. Although FOGAIN loans are available to all small and medium-size firms in Mexico, regardless of the type of industry or location, some firms receive more beneficial rates than others. Therefore, to the extent that this program provides financing at rates below the least beneficial rate available under FOGAIN, we consider it countervailable.

Three Mexican iron-metal construction castings companies had FOGAIN loans on which interest payments were due during the reviewing period. Because the interest rates were variable, we treated each loan as a series of short-term loans. To determine the benefit, we used as our benchmark the least beneficial interest rate in effect during the review period and compared it to the interest rate for each FOGAIN loan payment.

We allocated the benefit from each loan over each company's total sales to all markets. We then weight-averaged the resulting benefits by each company's proportion of total exports of the subject merchandise to the United States during the review period. On this basis, we preliminarily determine the benefit from FOGAIN loans to be 0.06 percent *ad valorem* during the review period.

(3) Other Programs

We also examined the following programs and preliminarily determine that exporters of iron-metal construction castings did not use them during the review period:

(A) Article 15 of the General Law of Credit Institutions and Auxiliary Organizations;

(B) Certificates of Fiscal Promotion (CEPROFI);

(C) Delay of payments of loans;
(D) Fund for Industrial Development (FONEI);
(E) Certificado de Devolucion de Impuestos (CEDI);
(F) NDP preferential discounts;
(G) Bancomext loans;
(H) FOMIN;
(I) FIDEIN;
(J) State tax incentives;
(K) Import duty reductions and exemptions; and
(L) Delay of payments to PEMEX of fuel charges.

Preliminary Results of Review

As a result of our review, we preliminarily determine the total bounty or grant to be 0.06 *ad valorem* for all firms for the period January 1, 1988 through December 31, 1988. In accordance with 19 CFR 355.7, any rate less than 0.50 percent *ad valorem* is *de minimis*.

Therefore, the Department intends to instruct the Customs Service to liquidate, without regard to countervailing duties, all shipments of this merchandise exported on or after January 1, 1988 and on or before December 31, 1988. Further, the Department intends to instruct the Customs Service to waive cash deposits of estimated countervailing duties, as provided by section 751(a)(1) of the Tariff Act, on all shipments of this merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this administrative review.

Parties to the proceeding may request disclosure of the calculations methodology and interested parties may request a hearing not later than 10 days after the date of publication of this notice.

Interested parties may submit written arguments in case briefs on these preliminary results within 30 days of the date of publication. Rebuttal briefs, limited to arguments raised in case briefs, may be submitted seven days after the time limit for filing the case brief. Any hearing, if requested, will be held seven days after the scheduled date for submission of rebuttal briefs. Copies of case briefs and rebuttal briefs must be served on interested parties in accordance with 19 CFR 355.38(e). Any request for disclosure under an administrative protective order must be made no later than five days after the date of publication. The Department will publish the final results of this administrative review including the results of its analysis of issues raiseds in any case rebuttal brief or at a hearing.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and 19 CFR 355.22.

Dated: July 6, 1990.

Eric I. Garfinkel,

Assistant Secretary for Import Administration.

[FR Doc. 90-16454 Filed 7-12-90; 8:45 am]
BILLING CODE 3510-DS-M

[A-122-004]

Steel Reinforcing Bars From Canada; Revocation of Antidumping Finding

AGENCY: International Trade Administration/Import Administration, Department of Commerce.

ACTION: Notice of revocation of antidumping finding.

SUMMARY: The Department of Commerce has determined to revoke the antidumping finding on steel reinforcing bars from Canada, because it is no longer of any interest to interested parties.

EFFECTIVE DATE: April 2, 1990.

FOR FURTHER INFORMATION CONTACT: Sheila Forbes or Robert Marenick, Office of Antidumping Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone (202) 377-5255.

SUPPLEMENTARY INFORMATION:

Background

On April 2, 1990, the Department of Commerce (the Department) published in the **Federal Register** (55 FR 12248) its intent to revoke the antidumping finding on steel reinforcing bars from Canada (29 FR 5347, April 21, 1964).

Additionally, as required by 19 CFR 353.25(d)(4)(ii), the Department served written notice of its intent to revoke this finding on each interested party listed on the service list. Interest parties who might object to the revocation were provided the opportunity to submit their comments no later than thirty days from the date of publication.

Scope of the Finding

The United States, under the auspices of the Customs Cooperation Council, has developed a system of tariff classification based on the international harmonized system of customs nomenclature. On January 1, 1989, the United States fully converted to the Harmonized Tariff Schedules (HTS), as provided for in section 1201 *et seq.* of the Omnibus Trade and Competitiveness Act of 1988. All merchandise entered, or withdrawn from warehouse, for consumption on or after that date is now classified solely according to the appropriate HTS item number(s).

Imports covered by this finding are shipments of steel reinforcing bars. Through 1988, such merchandise was classifiable under item numbers 606.7900 and 606.8100 of the Tariff Schedules of the United States Annotated. This merchandise is currently classifiable under HTS item numbers 7213.10.00 and 7228.30.50. The HTS item numbers are provided for convenience and Customs purposes. The written description remains dispositive.

Determination To Revoke

The Department may revoke an antidumping finding or order if the Secretary of Commerce concludes that the finding or the order is no longer of any interest to interested parties. We conclude that there is no interest in an antidumping finding or order when no interested party has requested an administrative review for four consecutive review periods (19 CFR 353.25(d)(4)(i)(1989)) and when no interested party objects to the revocation.

In this case, we received no requests to conduct an administrative review pursuant to our notices of Opportunity to Request Administrative Review for five consecutive review periods (51 FR 1332, April 2, 1986; 52 FR 10917, April 6, 1987; 53 FR 11540, April 7, 1988; 54 FR 13211, March 31, 1989; 55 FR 13302, April 10, 1990). Furthermore, we received no objections to our notice of intent to revoke the antidumping finding (55 FR 12248). Based on these facts, we have concluded that the antidumping finding covering steel reinforcing bars from Canada is no longer of any interest to interested parties. Accordingly, we are revoking this antidumping finding in accordance with 19 CFR 353.25(d)(4)(iii).

The revocation applies to all unliquidated entries of steel reinforcing bars from Canada entered, or withdrawn from warehouse, for consumption on or after April 2, 1990. Entries made during the period April 1, 1989 through April 1, 1990 will be subject to automatic assessment in accordance with 19 CFR 353.22(e). The Department will instruct the Customs Service to proceed with liquidation of all unliquidated entries of this merchandise entered, or withdrawn from warehouse, for consumption on or after April 2, 1990, without regard to antidumping duties, and to refund any estimated antidumping duties collected with respect to those entries.

This notice is in accordance with 19 CFR 353.25.

Dated: July 6, 1990.

Eric I. Garfinkel,

Assistant Secretary for Import Administration.

[FR Doc. 90-16452 Filed 7-12-90; 8:45 am]

BILLING CODE 3510-DS-M

[C-408-046]

Sugar From the European Community; Preliminary Results of Countervailing Duty, Administrative Review

AGENCY: International Trade Administration/Import Administration, Department of Commerce.

ACTION: Notice of preliminary results to countervailing duty Administrative review.

SUMMARY: The Department of Commerce has conducted an administrative review of the countervailing duty order on sugar from the European Community. We preliminarily determine the net subsidy to be 10.45 cents per pound during the period January 1, 1988 through December 31, 1988. We invite interested parties to comment on these preliminary results.

EFFECTIVE DATE: July 13, 1990.

FOR FURTHER INFORMATION CONTACT: Patricia Cooper or Maria MacKay, Office of Countervailing Compliance, International Trade Administration, U.S. Department of Commerce, Washington DC 20230; telephone: (202) 377-2786.

SUPPLEMENTARY INFORMATION:

Background

On November 14, 1984, the Department of Commerce (the Department published in the **Federal Register** (49 FR 45039) the final results of its last administrative review of the countervailing duty order on sugar from the European Community (EC) (43 FR 33237; July 31, 1978). On July 20, 1989, the United States Cane Sugar Refiners' Association requested an administrative review of the order. We published the initiation of the administrative review on August 22, 1989 (54 FR 31804). The Department has now conducted this administrative review in accordance with section 751 of the Tariff Act of 1930, as amended (the Tariff Act).

Scope of Review

Imports covered by this review are shipments of sugar from the European Community. During the review period, such merchandise was classifiable under item numbers 155.2025, 155.2045, 155.3000 and 183.05 of the Tariff Schedules of the United States Annotated (TSUSA). This merchandise is currently classifiable under item numbers 1701.11.00, 1701.12.00, 1701.91.20, and 1701.99.00 of the Harmonized Tariff Schedule (HTS). The TSUSA and HTS item numbers are provided for convenience and Customs purposes. The written description remains dispositive. Specialty sugars are exempt from the scope of this order

On December 7, 1987, two interested parties, the United States Beet Sugar Association and the United States Cane Sugar Refiners' Association, requested a scope review of blends of sugar and dextrose, a corn-derived sweetner, containing at least 65 percent sugar. At the time of the scope review, such blends were imported under TSUSA item number 183.05 of the TSUSA. The merchandise is currently imported under HTS item number 1701.99.00 of the HTS. On October 16, 1989, the Department issued to interested parties a preliminary scope clarification which preliminarily determined that sugar/dextrose blends containing at least 65 percent sugar are within the scope of the existing CVD order on sugar from the EC. We invited comments from interested parties. We received comments from the domestic sugar industry and from domestic importers of blends. On June 21, 1990, the Department issued a final scope clarification memorandum, which determined that such blends are within the scope of the order, and that imports of such blends from the EC are subject to the corresponding countervailing duty.

The review covers the period from January 1, 1988 through December 31, 1988 and a program of export refunds made through the Guidance and Guarantee Fund under the Common Agricultural Policy (CAP) of the EC.

Analysis of Programs.

The restitution payments made under the CAP vary in amount and are granted only when the international market price of sugar is lower than the "threshold price" established by the EC. The EC designates three quota levels (A, B and C) of sugar produced in its territory. There is no physical distinction among the three categories of sugar; rather the quotas are based on projected demand in each member country. Only sugar produced within the "A" and "B" quotas is eligible for export refund. The EC guarantees sugar producers a stated export price for sugar produced within the "A" or "B" quota.

This price is guaranteed through weekly tenders, which authorize export shipments of sugar and establish an export refund, based on the difference between the world sugar price and the internal EC "threshold price." Exports of sugar produced under the "C" quota are not entitled to export refunds. Inasmuch as restitution payments are limited to a specific enterprise or industry or group of enterprises or industries, the Department has determined this program to be a countervailable bounty or grant, in accordance with section 771(5)(b) of the Tariff Act of 1930.

The EC did not provide information in response to our questionnaire. As a result, we are using as best information available the information obtained in the previous administrative review (49 FR 45039; November 14, 1984). In that administrative review, the Department determined the rate of subsidy on the subject merchandise from this program to be 10.45 cents per pound.

Preliminary Results of Review

As a result of our review, we preliminary determine the net subsidy to be 10.45 cents per pound during the period January 1, 1988 through December 31, 1988.

Therefore, the Department intends to instruct the Customs Service to assess countervailing duties of 10.45 cents per pound on all shipments of the subject merchandise exported on or after January 1, 1988 and on or before December 31, 1988.

The Department also intends to instruct the Customs Service to collect a cash deposit of estimated countervailing duties of 10.45 cents per pound on all shipments of this merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this review.

Parties to the proceeding may request disclosure of the calculations methodology and interested parties may request a hearing not later than 10 days after the date of publication of this notice. Interested parties may submit written arguments in case briefs on these preliminary results within 30 days of the date of publication. Rebuttal briefs, limited to arguments raised in case briefs, may be submitted seven days after the time limit for filing the case brief. Any hearing, if requested, will be held seven days after the scheduled date for submission of rebuttal briefs. Copies of case briefs and rebuttal briefs must be served on interested parties in accordance with section 355.38(e) of the Department's regulations.

Representatives of parties to the proceeding may request disclosure of proprietary information under administrative protective order no later than 10 days after the representative's

client or employer becomes a party to the proceeding, but in no event later than the date the case briefs, under section 355.38(c), are due.

The Department will publish the final results of this administrative review including the results of its analysis of issues raised in any case or rebuttal brief or at a hearing.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and section 19 CFR 355.22 of the Department's Regulations.

Dated: July 6, 1990.

Eric I. Garfinkel,

Assistant Secretary for Import Administration.

[FR Doc. 90-16453 Filed 7-12-90; 8:45 am]

BILLING CODE 3510-DS-M

[C-401-056]

Viscose Rayon Staple Fiber From Sweden; Preliminary Results of Countervailing Duty; Administrative Review

AGENCY: International Trade Administration/Import Administration, Department of Commerce.

ACTION: Notice of preliminary results of countervailing duty administrative review.

SUMMARY: The Department of Commerce has conducted an administrative review of the countervailing duty order on viscose rayon staple fiber from Sweden. We preliminarily determine the net subsidy to be 10.66 percent *ad valorem* for the period January 1, 1988 through December 31, 1988. We invite interested parties to comment on these preliminary results.

EFFECTIVE DATE: July 13, 1990.

FOR FURTHER INFORMATION CONTACT: Britt Doughtie or Maria MacKay, Office of Countervailing Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone: (202) 377-2786.

SUPPLEMENTARY INFORMATION:

Background

On October 23, 1989, the Department of Commerce ("the Department") published in the **Federal Register** (54 FR 43191) the final results of its last administrative review of the countervailing duty order on viscose rayon staple fiber from Sweden (44 FR 28319; May 15, 1979). On May 2, 1989, Svenska Rayon AB, a producer and exporter of viscose rayon staple fiber, requested an administrative review of the order for the period January 1, 1988 through December 31, 1988. We initiated the review on June 21, 1989 (54 FR 26069). The Department has now conducted that administrative review in accordance with section 751 of the Tariff Act of 1930 ("the Tariff Act").

Scope of Review

Imports covered by this review are shipments of Swedish regular viscose rayon staple fiber and high-wet modulus ("modal") viscose rayon staple fiber. During the review period, such merchandise was classifiable under item numbers 309.4320 and 309.34325 of the *Tariff Schedules of the United States Annotated.* Such merchandise is currently classifiable under item number 5504.10.000 of the *Harmonized Tariff Schedule.*

The review covers the period January 1, 1988 through December 31, 1988 and three programs. The only known Swedish exporter of this merchandise to the United States is Svenska Rayon, AB.

Analysis of Programs

(1) Loans/Grants for Plant Creation

Under three agreements, the Swedish government provided Svenska with interest-free loans for the creation of a modal fiber plant. The agreements provided that the Swedish government would forgive the loans in equal amounts over ten years if Svenska maintained its modal fiber production capacity for ten years. If Svenska eliminated this production capacity prior to the end of the ten-year period, the agreements also provided that the remaining amount of the outstanding principal would fall due immediately. Because the Swedish government provided these loans/grants to Svenska to establish a productive capacity for modal rayon staple fiber (for the purpose of national defense), we preliminarily determine that it is countervailable.

The first agreement, Project 77, was concluded in 1975, and the Swedish government disbursed the funds between 1975 and 1977. The second agreement, Project 81, was concluded in 1978, and the funds disbursed between 1978 and 1981. In 1979, the Swedish government provided a final interest-free loan to Svenska for pollution control improvements to the modal fiber plant.

Forgiveness of these loans began when the equipment purchased went into operation. Accordingly, the Swedish government forgave ten percent of the total disbursements to Svenska under Project 77 in each year from 1978 through 1985. Similarly, the Swedish government forgave ten percent of the total disbursements under Project 81 in each year from 1981 through 1985 and ten percent of the environmental loan in each year from 1980 through 1985. In 1986, after Svenska permanently discontinued all modal fiber production and closed the modal fiber plant designed and developed for production of such fiber, the Swedish government forgave Svenska's remaining indebtedness from the plant creation and pollution control improvements.

Since these loans were in fact grants, we have calculated the benefit streams using the declining balance methodology. We allocated the benefits from each grant over the 10-year average useful life of assets in the rayon fiber industry, according to the "Asset Guidelines Classes" of the Internal Revenue Service, and used as discount rates the national average corporate bond rates in Sweden for the years in which each grant was received (obtained from the Monthly Digest of Swedish Statistics, a Swedish government publication). The 10-year allocation period has expired for the benefits from grants received between 1975 and 1977 under Project 77, and in 1978 under Project 81. Therefore, we only countervailed Project 81 grants given in 1979, 1980, and 1981, and the pollution control grant given in 1979.

We allocated the benefits attributable to the review period over the value of Svenska's total revenue during the review period. On this basis, we preliminarily determine the benefit from this program to be 7.28 percent *ad valorem.*

(2) Elderly Employment Compensation Program

The Swedish government provided a subsidy to certain companies within the textile and clothing industries through a special employment contribution for older workers. This program provided compensation to a company based upon the number of hours worked by employees over 50 years of age. A company participating in the program had to agree not to dismiss or release redundant employees of any age for any reason other than normal attrition. Payments were calculated on the basis of 28 Swedish kroner per hour for employees over age 50 who were involved in production. The payment could not exceed 15 percent of the company's total labor costs. Because this program is available only to a specific group of enterprises within a specific industry, we preliminarily determine that it is countervailable.

Svenska received its last payment under this program in July 1982. In January 1983, the Swedish government excluded the rayon fiber industry, including Svenska, from this program. Using the declining balance methodology referred to above, we calculated Svenska's benefit by allocating the 1982 payment over ten years, the average useful life of assets in the rayon fiber industry. We used Svenska's 1982 weighted cost of capital as the discount rate.

We allocated the benefit attributable to the review period over the value of Svenska's total revenue during the review period. On this basis, we preliminarily determine the benefit from this program to be 0.37 percent *ad valorem*.

(3) Grant for Manpower Reduction and Conditional Loan

The Swedish government concluded an agreement with Svenska in 1980 consisting of two parts: a grant for manpower reduction and a conditional loan to cover operating losses. The grant was intended to compensate the company for maintaining redundant employees longer than collective agreements and employment protection laws required, and for retraining employees to work elsewhere within the KF Industri group (the group of firms, including Svenska, owned directly or indirectly by Kooperativa Forbundet). The grant was paid through the National Labor Market Board in two installments, one in December 1980 and the other in July 1981. Svenska received no new manpower production grants during the period of review.

In the absence of any indication that this agreement was part of some program of potential aid to more than Svenska, we concluded that the conditional loan was available only to a specific enterprise on terms inconsistent with commercial considerations, and preliminarily determine that it is countervailable.

Using the declining balance methodology, we allocated each grant over ten years, the average useful life of assets in the rayon fiber industry. We used as a discount rate the national average corporate bond rate in Sweden for 1980, the year in which the agreement was reached.

We allocated the benefit attributable to the review period over the value of Svenska's total revenue during the review period. On this basis, we preliminarily determine the benefit from this grant to be 0.43 percent *ad valorem*.

For the conditional loan part of the 1980 agreement, the terms (including the length) and conditions depended on the company's profit levels. The conditional loan was disbursed in three installments between 1980 and 1982. Under the original agreement, the Swedish government would forgive portions of the outstanding principal and interest of the loan if Svenska did not make a sufficient profit (as determined by a confidential formula concluded between the Swedish Government and Svenska). If Svenska attained the requisite level of profit, it would have to repay a certain portion of the loan, including interest. Svenska did not make a sufficient profit in any year between 1983 and 1985, and the Swedish government forgave the yearly repayment of the loan in 1983, 1984 and 1985. In 1986, in conjunction with the forgiveness of the loans/grants for plant creation, the Swedish government forgave the total outstanding balance of this loan.

Because Svenska never made any payments of this loan, which was forgiven in its entirety over four years, we have treated each of the three loan installments as grants given in the year of receipt. As with the loans/grants for plant creation program, we have applied the declining balance methodology, allocating benefits from each grant over the 10-year average useful life of assets in the rayon fiber industry. We used as discount rates the national average corporate bond rates in Sweden for the years in which each grant was received.

We allocated the benefit attributable to the review period over the value of Svenska's total revenue during the review period. On this basis, we preliminarily determine the benefit from the conditional loan to be 2.58 percent *ad valorem*.

Preliminary Results of Review

As a result of our review, we preliminarily determine the net subsidy to be 10.66 percent *ad valorem* for the period January 1, 1988 through December 31, 1988.

The Department intends to instruct the Customs Service to assess countervailing duties of 10.66 percent of the f.o.b. invoice price on all shipments of this merchandise exported on or after January 1, 1988 and on or before December 31, 1988.

Further, the Department intends to instruct the Customs Service to collect a cash deposit of estimated countervailing duties, as provided by section 751(a)(1) of the Tariff Act, of 10.66 percent of the f.o.b. invoice price on all shipments of this merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this administrative review.

Parties to the proceeding may request disclosure of the calculation methodology and interested parties may request a hearing not later than 10 days after the date of publication of this notice. Interested parties may submit written arguments in case briefs on these preliminary results within 30 days of the date of publication. Rebuttal briefs, limited to arguments raised in case briefs, may be submitted seven days after the time limit for filing the case brief. Any hearing, if requested, will be held seven days after the scheduled date for submission of rebuttal briefs. Copies of case briefs and rebuttal briefs must be served on interested parties in accordance with 9 CFR 355.38(e).

Representatives of parties to the proceeding may request disclosure of proprietary information under administrative protective order no later than 10 days after the representative's client or employer becomes a party to the proceeding, but in no event later than the date the case briefs, under 19 CFR 355.38(c), are due.

The Department will publish the final results of this administrative review including the results of its analysis of issues raised in any case or rebuttal brief or at a hearing.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and 19 CFR 355.22.

Dated: July 5, 1990.

Eric I. Garfinkel,

Assistant Secretary for Import Administration.

FR Doc. 90-16449 Filed 7-12-90; 8:45 am]

BILLING CODE 3510-DS-M

[Application No. 90-00006]

Export Trade Certificate of Review to the Forging Industry Association

AGENCY: Department of Commerce, International Trade Administration, Commerce.

ACTION: Notice of issuance of an Export Trade Certification of Review.

SUMMARY: The Department of Commerce, has issued an Export Trade Certificate of Review to the Forging Industry Association (FIA). This notice summarizes the conduct for which certification has been granted.

FOR FURTHER INFORMATION CONTACT: Douglas J. Aller, Director, Office of Export Trading Company Affairs, International Trade Administration, (202) 377-5131. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: Title III of the Export Trading Company Act of

1982 ("the Act") (15 U.S.C. 4001–21) authorizes the Secretary of Commerce to issue Export Trade Certificates of Review. The regulations implementing title III are found at 15 CFR part 325 (50 FR 1804, January 11, 1985).

The Office of Export Trading Company Affairs is issuing this notice pursuant to 15 CFR 325.6(b), which requires the Department of Commerce to publish a summary of a Certificate in the **Federal Register.** Under section 305(a) of the Act and 15 CFR 325.11(a), any person aggrieved by the Secretary's determination may, within 30 days of the date of this notice, bring an action in any appropriate district court of the United States to set aside the determination on the ground that the determination is erroneous.

Description of Certified Conduct

Export Trade

Products

Forgings from any ferrous materials (carbon, alloy, stainless or tool steel), non-ferrous materials (aluminum, titanium, brass, copper, bronze, magnesium), or high temperature alloy materials (those designed for use at temperatures of 1000 degrees Fahrenheit or more) that are produced by the several processes shown immediately below. Such forgings, whether machined or not machined, may be made by the following forging processes: impression die, open die, and/or seamless rolled ring, whether forged hot, warm, or cold.

Services

Design services related to Products and related manufacturing processes; licensing of Technology Rights concerning Products and related processes.

Technology Rights

Patents, trademarks, service marks, trade names, copyrights, trade secrets, know-how, industrial designs, first die proofs, design of die block impressions, inserts, and forms of computer software protection associated with the above.

Export Trade Facilitation Services (as They Relate to the Export of Products, Services, and Technology Rights)

Consulting; international market research; marketing and trade promotion; trade show participation; insurance; legal assistance; services related to compliance with customs requirements; transportation; trade documentation and freight forwarding; communication and processing of export orders and sales leads; warehousing; foreign exchange; financing; liaison with U.S. and foreign government agencies, trade associations, and banking institutions; and taking title to goods.

Export Markets

The Export Markets include all parts of the world except: (a) The United States (the fifty states of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, and the Trust Territory of the Pacific Islands); and (b) Canada.

Members (in Addition to Applicant)

AeroForge Corporation, Muncie, IN; Ajax Rolled Ring Company, Wayne, MI; Aluminum Company of America, Forging Division, Cleveland, OH; The American Welding & Manufacturing Company, Warren, OH; Bethlehem Steel Corporation, BethForge Division, Bethlehem, PA; Bula Forge, Inc., Cleveland, OH; Camron Forge Company, Cypress, TX; Canton Drop Forge, Canton, OH; Clifford-Jacobs Forging Company, Champaign, IL; Cold Extrusion Company of America, Inc., Jacksonville, AR; Columbus McKinnon Corporation, Amherst, NY; Commercial Forged Prodcucts, Inc., Bedford Park, Il; Cooper Tools—Brewer-Titchener/ Merrill, Cortland, NY; Edgewater Steel Company, Oakmont, PA; Ellwood City Forge Corporation, Ellwood City, PA; Ellwood Texas Forge Company, Houston, Texas; Federal Forge Inc., Lansing, MI; A. Finkl & Sons Co., Chicago, IL; The Harris-Thomas Drop Forge Co., Dayton, OH; Illinois Forge, Inc., Rock Falls, IL; Impact Forge, Inc., Columbus, IN; Interstate Drop Forge Company, Milwaukee, WI; Jernberg Industries, Inc., Chicago, IL; Kaiser Alumnum & Chemical Corporation, Forging Division, Erie, PA; Keystone Forging Company, Northumberland, PA; Lake City Forge, Lake City, MI; Charles E. Larson & Sons, Inc., Chicago, IL; Molloy Manufacturing Company, Fraser, MI; McInnes Steel Company, Corry, PA; McWilliams Forge Company, Inc., Rockaway, NJ; Milwaukee Forge, Milwaukee, WI; Modern Drop Forge Company, Blue Island, IL; Moline Forge, Inc., Moline, IL; Monroe Forgings, Rochester, NY; Pittsburgh Forgings Company, Coraopolis, PA; Presrite Corporation, Cleveland, OH; The Queen City Forging Company, Cincinnati, OH; Rockford Drop Forge Co., Rockford, IL; Schaefer Equipment, Inc., Warren, OH; Schlosser Forge Company, Cucamonga, CA; Scot Forge, Spring Grove, IL; SIFCO Forge Group, Cleveland, OH; Specialty Ring Products, Inc., Bensalem, PA; Standard Steel, Burnham PA; Storms Forge Inc., Springfield, MA; Teledyne Portland Forge, Portland, IN; Unit Drop Forge Co., Inc., West Allis, WI; Walker Forge, Inc., Racine, WI; Waltec American Forgings Inc., Waterbury, CT; Weber Metals, Inc., Paramount, CA; and Wyman-Gordon Company, Worcester, MA.

Export Trade Activities and Methods of Operation

FIA and/or any of its members may:

1. Engage in joint bidding or other joint selling arrangements for Products and Services and allocate sales resulting from such arrangements;

2. Establish export prices for sales of Products and Services by the Members in the Export Markets, with each Member being free to deviate from such prices by whatever amount it sees fit;

3. Discuss and reach agreements relating to the interface specifications and engineering requirements demanded by specific potential customers of Products for Export Markets;

4. Refuse to quote prices for, or to market or sell in, Export Markets with respect to Products and Services;

5. Solicit Suppliers to sell their Products and Services or offer their Export Trade Facilitation Services through the certified activities of FIA and/or its Members; provided, however, that Suppliers will not participate in the full range of certified export trade activities and methods of operation under this Certificate; rather, their participation shall be limited to those activities typically associated with Supplier services;

6. License associated Technology Rights in conjunction with the sale of Products, but in all instances the terms of such licenses shall be determined solely by negotiations between the licensor Member and the export customer without coordination with FIA or any Member;

7. Engage in joint promotional activities, such as advertising and trade shows, aimed at developing existing or new Export Markets;

8. Bring together from time to time groups of Members to plan and discuss how to fulfill the technical Product and Service requirements of specific export customers or particular Export Markets;

9. Enter into agreements wherein they agree to act in certain Export Markets as the Members' exclusive or non-exclusive Export Intermediary for Products or Services in the Export Markets. In exclusive Export Intermediary agreements, (i) FIA or the Member(s) acting as an exclusive Export Intermediary may agree not to represent any other Supplier for sale in the relevant Export Market, and (ii) Members may agree that they will

export for sale in the relevant Export Market only through FIA or the Member(s) acting as exclusive intermediary, and that they will not export independently to the relevant Export Market, either directly or through any other Export Intermediary. FIA and/or its Members when acting as an exclusive Export Intermediary shall not unreasonably refuse to supply its services on non-discriminatory terms to those Members that are parties to the exclusive arrangements and which request such services.

10. Exchange and discuss the following types of information solely about the Export Markets.

a. Information about sales or marketing efforts in the Export Markets; activities and opportunities for sales of Products and Services in the Export Markets; selling strategies in the export Markets; pricing in the Export Markets; projected demand in the Export Markets; customary terms of sale in the Export Markets; the types of Products and services available from competitors for sale in particular Export Markets, and the prices from such Products and Services; and customer specifications for Products and Services in the Export Markets;

b. Information about the export prices, quality, quantity, source, and delivery dates of Products and Services available form Members for export, provided, however, that exchanges of information and discussions as to export prices, quality, quantity, source, and delivery dates must be on a transaction by transaction basis only and involve only those members which are participating or have genuine interest in participating in such transactions;

c. Information about terms, conditions, and specifications of particular contracts for sale in the Export Markets to be considered and/or bid on by FIA and its Members;

d. Information about joint bidding, selling, or servicing agreements for export Markets and allocations of sales resulting form such arangements among the Members;

e. Information about expenses specific to exporting to and within the Export Markets, including, without limitation, transportation, intermodal shipments, insurance, inland freight to port, port storage, commissions, export sales, documentation, financing, customs, duties, and taxes;

f. Information about U.S. and foreign legislation and regulations affecting sales in the Export Markets; and

g. Information about FIA's or its Members' export operations, including, without limitation, sales and distribution networks established by FIA and its Members in the Export Markets, and prior export sales by Members (including export price information);

11. Forward to the appropriate individual Member requests for information received from a foreign government or its agent (including private pre-shipment inspection firms) concerning that Member's domestic or export activities (including prices and/or costs), and if such individual Member elects to respond, it shall respond directly to the requesting foreign government or its agent with respect to such information;

12. Provide Members or other Suppliers the benefit of any Export Trade Facilitation Service to facilitate the export of Products and Services to the Export Markets. This may be accomplished by FIA itself, or by agreement with Members of other parties; and

13. Meet to engage in the activities described in the preceding paragraphs.

Definitions

1. *Export Intermediary* means a person who acts as a distributor, sales representative, sales or marekting agent, or broker, or who performs similar functions, including providing or arranging for the provision of Export Trade Facilitation Services.

2. *Members* means the member companies in FIA listed above and subject to the provisions of this proposed Certificate. New FIA members may be incorporated in the Certificate through an abbreviated amendment procedure. An abbreviated amendment shall consist of a written notification to the Secretary of Commerce and the Attorney General identifying the FIA members that desire to become a Member under the Certificate pursuant to the abbreviated amendment procedure, and certifying for each such FIA member so identified its sales of individual Products, Services, and/or Technology Rights in its prior fiscal year. Notice of the members so identified shall be published in the **Federal Register**. However, FIA may withdraw one or more individual members from the application for the abbreviated amendment. If 30 days or more following publication in the **Federal Register**, the Secretary of Commerce, with the concurrence of the Attorney General, determines that the incorporation in the Certificate of these members through the abbreviated amendment procedure is consistent with the standards of the Act, the Secretary of Commerce shall amend the Certificate of Review to incorporate such members, effective as of the date of which the application for amendment is deemed submitted. If the Secretary of Commerce does not within 60 days of publication in the **Federal Register** so amend the Certificate of Review, such amendment must be sought through the nonabbreviated amendment procedure.

A copy of the Certificate will be kept in the International Trade Administration's Freedom of Information Records Inspection Facility, room 4102, U.S. Department of Commerce, 14th and Constitution Avenue NW., Washington, DC 20230.

Dated: July 9, 1990.

Douglas J. Aller,

Director, Office of Export Trading Company Affairs.

[FR Doc. 90-16376 Filed 7-12-90; 8:45 am]

BILLING CODE 3510-DR-M

Export Trade Certificate of Review

ACTION: Notice of application.

SUMMARY: The Office of Export Trading Company Affairs, International Trade Administration, Department of Commerce, has received an application for an Export Trade Certificate of Review. This notice summarizes the conduct for which certification is sought and requests comments relevant to whether the Certificate should be issued.

FOR FURTHER INFORMATION CONTACT: Douglas J. Aller, Director, Office of Export Trading Company Affairs, International Trade Administration, 202/377-5131. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: Title III of the Export Trading Company Act of 1982 (15 U.S.C. 4001-21) authorizes the Secretary of Commerce to issue Export Trade Certificates of Review. A Certificate of Review protects the holder and the members identified in the Certificate from state and federal government antitrust actions and from private, treble damage antitrust actions for the export conduct specified in the Certificate and carried out in compliance with its terms and conditions. Section 302(b)(1) of the Act and 15 CFR 325.6(a) require the Secretary to publish a notice in the **Federal Register** identifying the applicant and summarizing its proposed export conduct.

Request for Public Comments

Interested parties may submit written comments relevant to the determination whether a Certificate should be issued. An original and five (5) copies should be submitted no later than 20 days after the date of this notice to: Office of Export

Trading Company Affairs, International Trade Administration, Department of Commerce, Room 1800H, Washington, DC 20230. Information submitted by any person is exempt form disclosure under the Freedom of Information Act (5 U.S.C. 552). Comments should refer to this application as "Export Trade Certificate of Review, application number 90–00010." A summary of the application follows.

Summary of the Application

Applicant: Georgia Wood Export Marketing Co-op, Inc. ("GACO"), 600 Park Avenue, Statesboro, Georgia 30458, Contact: Carlton E. Johnson, Attorney, Telephone: (404) 658–8406.

Application No.: 90–00010.

Date Deemed Submitted: July 3, 1990.

Members (in addition to applicant): Keadle Lumber Enterprises, Inc.; Langdale Forest Products Co.; Balfour Lumber Company, Inc.; Griffin Lumber Company, Inc.; Burgin Lumber Company, Ltd.; Collum's Lumber Mill, Inc.; Southern Forest Industries, Inc.; Metcalf Lumber Company, Inc.; Claude Howard Lumber Company, Inc.; Richmond Lumber, Inc.; Evans Lumber Company, Inc.; Elliott Sawmilling Company, Inc.; T&S Hardwoods, Inc.

Export Trade

1. Products. "Forest Products" including, but not limited to, wood and wood products, and excluding paper, cardboard, containerboard and similar products.

2. Export Trade Facilitation Services (as they relate to the export of Products). Marketing, selling, brokering, shipping, handling, common marketing and identification, consulting, international market research, advertising and sales promotion, trade show participation, insurance, product research and design, legal assistance, services related to compliance with customs requirements, transportation, trade documentation and freight forwarding, communication and processing of sales lead and export orders, warehousing, foreign exchange, financing, taking title to goods, and liaison with foreign government agencies, trade associations and banking institutions.

Export Markets: The Export Markets include all parts of the world except the United States (the fifty states of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, and the Trust Territory of the Pacific Islands).

Export Trade Activities and Methods of Operation: To engage in Export Trade in the Export Markets, GACO is certified to:

1. Enter into exclusive or non-exclusive agreements with its Members to act as their Export Intermediary for forest products by providing Export Trade Facilitation Services.

2. Meet with its Members to negotiate and agree on the terms and conditions of their participation in each bid, invitation or request to bid, or other sales opportunity in any Export Market, including, but not limited to, the price at which a Member will sell its forest products and related services for export, and the quantity of products each Member will commit to the foreign sale or bid opportunity. During the course of such meetings, the following information may be exchanged:

a. Information that is already generally available to the trade or public.

b. Information that is specific to a particular Export Market, including but not limited to, reports and forecasts of sales, prices, terms, customer needs, selling strategies and product specifications by geographical area, and by individual customers within the Export Market.

c. Information on expenses specific to exporting to a particular Export Market, including, but not limited to, ocean freight, inland freight to the terminal or port, terminal or port storage, wharfage and handling charges, insurance, agents' commissions, export sales documentation and service, and export sales financing.

d. Information on U.S. and foreign legislation and regulations affecting sales to a particular Export Market.

e. Information on GACO's activities in the Export Markets, including, but not limited to, customer complaints and quality problems, visits by customers located in the Export Markets, and reports by foreign sales representatives.

f. Information on supply and demand for forest products in export trade, including, but not limited to, the quantities of particular products desired by export customers, the supply of such products (based on domestic supply and demand) available for export trade, anticipated export prices, quality standards, packaging standards, and primary production schedules.

g. Information on specific prices and quantities involved in specific domestic transactions furnished by each Member individually, and on a confidential basis, to GACO's General Manager or its Export Intermediary who will use such information to compute averages and trends regarding domestic prices and quantities for disclosure to the Members in aggregated form. The General Manager or Export Intermediary shall not disclose to any Member the specific information furnished by any other Member. The General Manager or Export Intermediary shall be an independent employee or agent of GACO.

3. Enter into exclusive or non-exclusive agreements with other Export Intermediaries for the sale of forest products in the Export Markets, whereby:

a. The Export Intermediary agrees not to represent competitors of GACO in the sale of forest products and related services in any Export Market.

b. The Export Intermediary agrees not to buy forest products and related services from GACO's competitors.

4. Enter into exclusive agreements with forest customers of foreign products and related services offered by GACO whereby the customer agrees not to purchase forest products and related services from GACO's competitors.

5. Discuss and agree on with its Members and/or Export Intermediary the export prices to be charged by GACO, its Export Intermediary or its Members for the sale of forest products or related services directed to an Export Market or to a domestic or foreign exporter for ultimate sale in an Export Market.

6. Limit membership in GACO.

7. Publish and distribute a list of export prices to be charged by GACO, its Export Intermediary or its Members.

8. Allocate orders for export sales, and divide profits from such sales, among its Members as provided in the membership agreement between GACO and its Members.

9. Purchase forest products from its Members and non-members for direct export to an Export Market or for sale to a domestic or foreign exporter for ultimate sale in an Export Market.

10. GACO may provide its Members or other Suppliers the benefit of any Export Trade Facilitation Services to facilitate the export of Products to Export Markets. This may be accomplished by GACO itself, or by agreement with Members or other parties.

11. GACO and/or its Members may forward to the appropriate individual Member requests for information received from a foreign government or its agent (including private pre-shipment inspection firms) concerning that Member's domestic or export activities (including prices and/or costs), and if such individual Member elects to respond, it shall respond directly to the requesting foreign government or it agent with respect to such information.

12. GACO and/or its Members may refuse to provide Export Trade Facilitation Services or participation in the other activities described in the paragraphs above to non-members.

13. An Export Intermediary of GACO may engage in any of the activities described above.

Dated: July 9, 1990.

Douglas J. Aller,

Director, Office of Export Trading Company Affairs.

[FR Doc. 90-16375 Filed 7-12-90; 8:45 am]

BILLING CODE 3510-DR-M

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

Procurement List 1990: Additions

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Additions to Procurement List.

SUMMARY: This action adds to Procurement List 1990 commodities to be produced and services to be provided by workshops for the blind or other severely handicapped.

EFFECTIVE DATE: August 13, 1990.

ADDRESSES: Committee for Purchase from the Blind and Other Severely Handicapped, Crystal Square 5, suite 1107, 1755 Jefferson Davis Highway, Arlington, Virginia 22202-3509.

FOR FURTHER INFORMATION CONTACT: Beverly Milkman (703) 557-1145.

SUPPLEMENTARY INFORMATION: On February 16, May 4, and 18, 1990, the Committee for Purchase from the Blind and Other Severely Handicapped published notices (55 FR 5646, 18743, and 20624) of proposed additions to Procurement List 1990, which was published on November 3, 1989 (54 FR 46540).

After consideration of the material presented to it concerning capability of qualified workshops to produce the commodities and provide the services at a fair market price and impact of the addition on the current or most recent contractors, the Committee has determined that the commodities and services listed below are suitable for procurement by the Federal Government under 41 U.S.C. 46-48c and 41 CFR 51-2.6.

I certify that the following actions will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

a. The actions will not result in any additional reporting, recordkeeping or other compliance requirements.

b. The actions will not have a serious economic impact on any contractors for the commodities and services listed.

c. The actions will result in authorizing small entities to produce the commodities and provide the services procured by the Government.

Accordingly, the following commodities and services are hereby added to procurement List 1990:

Commodities

Table, Office (Steel)
7110-00-113-0507
7110-00-113-0509

Paper, Toilet Tissue
8540-00-530-3770
(Requirements for GSA Zone 2 only)

Services

Janitorial/Custodial
Bonneville Lock and Dam
Cascade Locks, Oregon

This action does not affect contracts awarded prior to the effective date of this addition or options exercised under those contracts.

Beverly L. Milkman,

Executive Director.

[FR Doc. 90-16439 Filed 7-12-90; 8:45 am]

BILLING CODE 6820-33-M

Procurement List 1990; Proposed Additions

AGENCY: Committee for Purchase From the Blind and Other Severely Handicapped.

ACTION: Proposed Additions to Procurement List.

SUMMARY: The Committee has received proposals to add to Procurement List 1990 services to be provided by workshops for the blind or other severely handicapped.

COMMENTS MUST BE RECEIVED ON OR BEFORE: August 13, 1990.

ADDRESSES: Committee for Purchase from the Blind and Other Severely Handicapped, Crystal Square 5, suite 1107, 1755 Jefferson Davis Highway, Arlington, Virginia 22202-3509.

FOR FURTHER INFORMATION CONTACT: Beverly Milkman (703) 557-1145.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 47(a)(2) and 41 CFR 51-2.6. Its purpose is to provide interested persons an opportunity to submit comments on the possible impact of the proposed actions.

If the Committee approves the proposed addition, all entities of the Federal Government will be required to procure the services listed below from workshops for the blind or other severely handicapped.

It is proposed to add the following services to Procurement List 1990, which was published on November 3, 1989 (54 FR 46540):

Janitorial/Custodial, Federal Building, 2800 Cottage Way, Sacramento, California.

Janitorial/Custodial, Wilson Kramer USARC, 2940 Airport Road, Bethlehem, Pennsylvania.

Beverly L. Milkman,

Executive Director.

[FR Doc. 90-16440 Filed 7-12-90; 8:45 am]

BILLING CODE 6820-33-M

DEPARTMENT OF DEFENSE

Public Information Collection Requirement Submitted to OMB for Review

ACTION: Notice.

The Department of Defense has submitted to OMB for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). This request is for an extension to a currently approved collection and does not change the collection requirement approved by OMB on October 25, 1989.

Title, applicable form, and applicable OMB control number: DoD FAR Supplement, Part 27, Patents, Data and Copyrights; No Form; and OMB Control Number 0704-0240.

Type of request: Extension to an existing collection.

Average Burden Hours/Minutes Per Response: 79 hours and 28 minutes

Frequency of Response: Monthly

Number of Respondents: 16,560

Annual Burden Hours: 2,307,240

Annual Responses: 16,560

Needs and Uses: This request concerns information collection and recordkeeping requirements related to technical data, software copyrights, and contracts.

Affected Public: Businesses or other for-profit

Respondents Obligation: Mandatory

OMB Desk Officer: Ms. Evyette R. Flynn

Written comments and recommendations on the proposed information collection should be sent to Ms. Evyette R. Flynn at the Office of Management and Budget, Desk Officer, room 3235, New Executive Office Building, Washington, DC 20503.

DOD Clearance Officer: Ms. Pearl Rascoe-Harrison

Written request for copies of the information collection proposal should be sent to Ms. Rascoe-Harrison, WHS/DIOR, 1215 Jefferson Davis High Way, suite 1204, Arlington, Virginia 22202-4302.

Dated: July 9, 1990.

L. M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 90-16415 Filed 7-12-90; 8:45 am]

BILLING CODE 3810-01-M

Office of the Secretary

Defense Policy Board Advisory Committee

ACTION: Notice of Advisory Committee Meeting.

SUMMARY: The Defense Policy Board Advisory Committee will meet in closed session on 30-31 July 1990 in the Pentagon, Washington, DC.

The mission of the Defense Policy Board is to provide the Secretary of Defense, Deputy Secretary of Defense and the Under Secretary of Defense for Policy with independent, informed advice and opinion concerning major matters of defense policy. At this meeting the Board will hold classified discussions on national security matters.

In accordance with section 10(d) of the Federal Advisory Committee Act, Public Law No. 92-463, as amended (5 U.S.C. App. II, (1982), it has been determined that this Defense Policy Board meeting concerns matters listed in 5 U.S.C. 552b(c)(1)(1982), and that accordingly this meeting will be closed to the public.

Dated: July 9, 1990.

L. M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 90-16412 Filed 7-12-90; 8:45 am]

BILLING CODE 3810-01-M

Department of the Air Force

USAF Scientific Advisory Board; Meeting

July 6, 1990.

The USAF Scientific Advisory Board Munition Systems Division Advisory Group will meet 31 July-2 August 1990 from 8 a.m. to 5 p.m. at the Hughes Aircraft Co., Tucson, AZ.

The purpose of this meeting is to conduct a follow-on technical assessment of the reliability and producibility of the AMRAAM missile. This meeting will involve discussions of classified defense information and privileged or confidential commercial and/or financial information listed in section 552b(c) of title 5, United States Code, specifically subparagraphs (1) and (4) thereof, and accordingly will be closed to the public.

For further information, contact the Scientific Advisory Board Secretariat at (202) 697-8404.

Patsy J. Conner,

Air Force Federal Register, Liaison Officer.

[FR Doc. 90-16342 Filed 7-12-90; 8:45 am]

BILLING CODE 3910-01-M

Department of the Army

Performance Review Board Membership; Senior Executive Service

ACTION: Notice.

SUMMARY: Notice is given of the names of members of the performance review boards for the Department of the Army.

EFFECTIVE DATE: July 16, 1990.

FOR FURTHER INFORMATION CONTACT: Beverley McDaris, Senior Executive Service Office, Directorate of Civilian Personnel, Headquarters Department of the Army, the Pentagon, room 2C670, Washington, DC 20310-0300.

SUPPLEMENTARY INFORMATION: Section 4314(c) (1) through (5) of title 5, U.S.C., requires each agency to establish, in accordance with regulations, one or more Senior Executive Service performance review boards. The boards shall review and evaluate the initial appraisal of senior executives' performance by supervisors and make recommendations to the appointing authority or rating official relative to the performance of these executives.

The members of the Performance Review Board for the Office of the Secretary of the Army are:

1. Mr. Milton H. Hamilton, Administrative Assistant to the Secretary of the Army, Office of the Secretary of the Army
2. Mr. Peter Stein, Deputy Administrative Assistant to the Secretary of the Army, Office of the Administrative Assistant to the Secretary of the Army
3. Mr. Francis E. Reardon, Deputy Auditor General, Office of the Auditor General
4. Mr. Thomas W. Taylor, Deputy General Counsel (Installations and Operations), Office of the General Counsel
5. Mr. Charles A. Chase, Director, Review and Oversight, Office of the Assistant Secretary of the Army (Financial Management)
6. Mr. Paul W. Johnson, Deputy Assistant Secretary of the Army for Installations and Housing, Office of the Assistant Secretary of the Army (Installations, Logistics and Environment)
7. Mr. Eric A. Orsini, Deputy Assistant Secretary of the Army for Logistics, Office of the Assistant Secretary of the Army (Installations, Logistics and Environment)
8. Mr. Robert M. Emmerichs, Deputy Assistant Secretary of the Army for Military Personnel Management and EO Policy, Office of the Assistant Secretary of the Army (Manpower and Reserve Affairs)
9. Mr. George E. Dickey, Deputy for Policy and Evaluation, Office of the Assistant Secretary of the Army (Civil Works)
10. Mr. Steven Dola, Deputy for Management and Budget, Office of the Assistant Secretary of the Army (Civil Works)
11. Mr. Daniel R. Gill, Director of Small and Disadvantaged Business Utilization
12. Mr. Everett W. Oerding, Director for Logistical and Financial Audits, U.S. Army Audit Agency
13. Mr. Robert G. Hinkle, Operations Research Analysis for Systems, Office of the Under Secretary of the Army
14. Mr. Williams K. Takakoshi, Special Assistant to the Under Secretary of the Army
15. Mr. Barton J. Toohey, Deputy Director of the Army Budget, Office of the Assistant Secretary of the Army (Financial Management)
16. Mr. William D. Clark, Principal Deputy Assistant Secretary of the Army (Manpower and Reserve Affairs)
17. Mr. John W. Matthews, Deputy Assistant Secretary of the Army (DA Review Boards and Equal Opportunity Compliance and Complaint Review), Office of the Assistant Secretary of the Army (Manpower and Reserve Affairs)
18. Mr. Keith Charles, Deputy for Plans and Programs, Office of the Assistant Secretary of the Army (Research, Development and Acquisition)
19. Brigadier General Nicholas R. Hurst, Director for Contracting, Office of the Assistant Secretary of the Army (Research, Development and Acquisition)
20. Ms. Miriam Browning, Vice Director for Information Management, Office of the Director of Information Systems for Command, Control, Communications and Computers

The members of the Performance Review Board for the Program Executive Officer structure are:

1. Mr. Feliciano Giordano, Program Executive Officer, Strategic Information Systems
2. Major General Peter A. Kind, Program Executive Officer, Command and Control Systems
3. Mr. Anthony M. Valletta, Program Executive Officer, Standard Army Management Information Systems
4. Brigadier General Otto J. Guenther, Program Executive Officer, Communications Systems
5. Major General Peter M. McVey, Program Executive Officer, Armored Systems Modernization
6. Brigadier General Robert A. Drolet, Program Executive Officer, Air Defense
7. Brigader General William H. Campbell, Program Executive Officer, Intelligence and Electronic Warfare

8. Lieutenant General Robert D. Hammond, Commanding General, Strategic Defense Command
9. Mr. Melvin E. Burcz, Program Executive Officer (PEO), Combat Support
10. Major General Ronald K. Andreson, Program Manager, Light Helicopter Program
11. Mr. Robert F. Giordano, Deputy PEO, Command and Control Systems
12. Mr. Neal Atkinson, Deputy PEO, Communications Systems
13. Mr. Andrew R. D'Angelo, Deputy PEO, Intelligence and Electronic Warfare
14. Mr. Gary L. Smith, Deputy Program Executive, Aviation
15. Mr. Robert D. Hubbard, Deputy Project Manager, Light Helicopter
16. Mr. Jerry L. Chapin, Deputy PEO, Close Combat Vehicles
17. Mr. George G. Williams, Deputy PEO, Fire Support Program Executive Office
18. Mr. Bennie H. Pinkley, Deputy PEO, Air Defense
19. Major General John S. Peppers, Deputy PEO, Strategic Defense
20. Mr. James C. Katechis, Project Manager, Exoatmospheric Re-entry Vehicle Interceptor Subsystem Project
21. Mr. Alan D. Sherer, Project Manager, High Endoatmospheric Defense Interceptor Project Office
22. Mr. Keith Charles, Deputy for Programs Office, Office of the Assistant Secretary of the Army (Research, Development and Acquisition)
23. Mr. George T. Singley, III, Deputy for Research and Techology, Office of the Assistant Secretary of the Army (Research, Development and Acquisition)
24. Mr. George E. Dausman, Deputy Assistant Secretary of the Army (Procurement), Office of the Assistant Secretary of the Army (Research, Development and Acquisition)

The members of the Performance Review Board for the Office of the Chief of the Staff, Army are:

1. Mr. James D. Davis, Assistant Deputy Chief of Staff for Intelligence (Management), Office of the Deputy Chief of Staff for Intellgience
2. Mr. Edgar B. Vandiver, III, Director, Concepts Analysis Agency, U.S. Army Concepts Analysis Agency
3. Mr. Julius J. Bellaschi, Deputy Director, Programs Analysis and Evaluation, Office of the Chief of Staff
4. Mr. Joseph P. Cribbins, Special Assistant to the Deputy Chief of Staff for Logistics and Chief, Aviation Logistics Office, Office of the Deputy Chief of Staff for Logistics
5. Mr. William O. Davies, Deputy for Technology, Program and Systems Integration for Strategic Defense, U.S. Army Strategic Defense Command
6. Major General John S. Peppers, Deputy Commander, U.S. Army Strategic Defense Command
7. Dr. Robert G. Priddy, Director, U.S. Army Missile and Space Intelligence Center, Office of the Deputy Chief of Staff for Intelligence
8. Ms. Anna Yurkoski, Chief, Employment and Classification Division, Office of the Deputy Chief of Staff for Personnel
9. Brigadier General Thomas Jones, Deputy Director of Military Personnel Management, Office of the Deputy Chief of Staff for Personnel
10. Brigadier General Richard G. Larson, Director of Transportation, Energy and Troop Support, Office of the Deputy Chief of Staff for Logistics
12. Mr. William P. Neal, Assistant Director for Maintenance Management, Office of the Deputy Chief of Staff for Logistics
13. Dr. Charles N. Davidson, Technical Director, U.S. Army Nuclear and Chemical Agency, Office of the Deputy Chief of Staff for Operations and Plans
14. Brigadier General Robert B. Rosenkranz, Director for Force Programs Integration, Office of the Deputy Chief of Staff for Operations and Plans

The members of the Performance Review Board for the Consolidated Commands are:

1. Mr. William S. Fraim, Civilian Personnel Director, HQ Forces Command
2. Mr. Thomas D. Collinsworth, Special Assistant for Transportation and Engineering, HQ Military Traffic Management Command
3. Ms. Mary Lou McHugh, Senior Transportation Advisor, HQ Military Traffic Management Command
4. Mr. Larry K. Lancaster, Deputy for Policy and Development, U.S. Army Intelligence and Security Command
5. Brigadier General Floyd Runyon, Deputy Commanding General, U.S. Army Intelligence and Security Command
6. Mr. Archie D. Grimmett, Assistant Deputy Chief of Staff for Personnel (Civilian Personnel), HQ U.S. Army Europe
7. Major General H. M. Hagwood, Deputy Chief of Staff for Resource Management, Headquarters, U.S. Army Training and Doctrine Command
8. Ms. Toni B. Wainwright, Assistant Deputy Chief of Staff for Personnel and Logistics (Civilian Personnel), Headquarters, U.S. Army Training and Doctrine Command
9. Brigadier General Jack A. Pellicci, Commander, U.S. Army Personnel Information Systems Command
10. Brigadier General John A. Hedrick, Commander, U.S. Army Information Systems Engineering Command
11. Major General R. L. Gordon, Director of Resources Command, Headquarters, Forces Command
12. Mr. Larry C. Hanson, Assistant Deputy Chief of Staff for Resource Management, Headquarters, U.S. Army Europe and Seventh Army

The members of the Performance Review Board for the U.S. Army Corps of Engineers are:

1. Major General R. S. Kem, Deputy Chief of Engineers, Chairperson
2. Major General Patrick J. Kelly, Director of Civil Works, Headquarters
3. Brigadier General Pat M. Stevens, IV, Commander, North Pacific Engineer Division
4. Brigadier General Arthur E. Williams, Commander, Lower Mississippi Valley Engineer Division
5. Brigadier General Gerald C. Brown, Commander, North Atlantic Engineer Division
6. Mr. Henry Everitt, Chief, Engineer Division, Huntsville Engineer Division
7. Mr. Don B. Cluff, Chief, Programs Division, Headquarters
8. Mr. Barry J. Frankel, Director of Real Estate, Headquarters
9. Mr. Richard E. Hanson, Chief, Construction Division, Headquarters
10. Mr. Joe G. Higgs, Chief, Engineer Division, Europe Division
11. Mr. Barry G. Rought, Chief, Planning Division, Southwestern Engineer Division
12. Mr. David L. Fulton, Chief, Construction-Operations Division, South Pacific Engineer Division
13. Dr. Lewis R. Link, Technical Director, U.S. Army Cold Regions and Engineering Laboratory
14. Mr. Allen M. Carton, Deputy Director, Directorate of Engineering and Construction, Headquarters
15. Dr. Robert B. Oswald, Jr., Assistant to the Chief of Engineers for Research and Development and Director, Directorate of Research and Development

The members of the Performance Review Board for the U.S. Army Surgeon General are:

1. Major General Alcide M. LaNoue, Deputy Surgeon General
2. Brigadier General Clara L. Adams-Ender, Chief, Army Nurse Corps and Director of Personnel
3. Dr. Michael A. Chirigos, Deputy for Science, U.S. Army Medical Research Institute for Infectious Diseases
4. Dr. Bhupendra P. Doctor, Director, Division of Biochemistry, Walter Reed Army Institute of Research
5. Dr. Robert R. Engle, Deputy Director, Division of Experimental Therapeutics, Walter Reed Army Institute of Research
6. Dr. Nelson S. Irey, Chairman, Department of Environmental and Drug Induced Pathology, Armed Forces Institute of Pathology
7. Dr. Kamal G. Ishak, Chairman, Department of Hepatic Pathology, Armed Forces Institute of Pathology
8. Dr. Fathollah K. Mostofi, Chairman, Department of of Genitourinary Pathology Armed Forces Institute of Pathology
9. Dr. Florabel G. Mullick, Associate Director, Center for Advanced Pathology, Armed Forces Institute of Pathology
10. Dr. Leslie H. Sobin, Associate Director, Center for Scientific Publications, Armed Forces Institute of Pathology

The members of the Performance Review Board for the U.S. Army Materiel Command are:

1. Major General Joseph Rigby, Deputy Chief of Staff for Development, Engineering and Acquisition.
2. Brigadier General Melvin L. Byrd, Deputy Commander, U.S. Army Communications-Electronics Command
3. Brigadier General Larry R. Capps, Deputy Commander, U.S. Army Missile Command
4. Brigadier General Dewitt T. Irby, Jr., Deputy Commanding General, U.S. Army Aviation Systems Command
5. Brigadier General Thomas L. Prather, Jr., Deputy Commanding General, U.S. Army

Armaments, Munitions and Chemical Command
6. Dr. W. Verbon Black, Chief Counsel, U.S. Army Missile Command
7. Mr. William Blohm, Associate Director, Joint Tactical Command, Control and Communications Agency, Department of Defense
8. Mr. Melvin E. Burcz, Program Executive Officer, Combat Support, Office of the Under Secretary of the Army
9. Dr. Richard Chait, Chief Scientist, HQ, U.S. Army Materiel Command
10. Mr. Jerry L. Chapin, Deputy Program Executive Officer, Close Combat Vehicles, Office of the Under Secretary of the Army
11. Mr. Walter W. Clifford, Chief, Air Warfare Division, U.S. Army Materiel Systems Analysis Activity
12. Dr. Thomas E. Davidson, Technical Director for Armament, U.S. Army Armament, Munitions and Chemical Command
13. Mr. Edward G. Elgart, Director, Procurement, U.S. Army Communications-Electronics Command
14. Mr. James B. Emahiser, Deputy to Commander, U.S. Army Troop Support Command
15. Mr. Victor J. Ferlise, Chief Counsel, U.S. Army Communications-Electronics Command
16. Mr. Bruce M. Fonoroff, Assistant Deputy Chief of Staff for Technology Planning and Management, U.S. Army Laboratory Command
17. Mr. David V. Gaggin, Director, Avionics Research and Development Activity
18. Mr. Walter W. Hollis, Deputy Under Secretary of the Army (Operations Research)
19. Mr. Thomas L. House, Technical Director, U.S. Army Aviation Systems Command
20. Mr. Walter B. Jennings, Jr., Research Director, U.S. Army Missile Command
21. Mr. George L. Jones, Assistant Deputy Chief of Staff for Personnel
22. Mr. Henry B. Jones, Director for Procurement and Production, U.S. Army Tank-Automotive Command
23. Mr. James C. Kelton, Technical Director, Combat Systems Test Activity, U.S. Army Test and Evaluation Command
24. Mr. Edward J. Korte, Command Counsel, HQ, U.S. Army Materiel Command
25. Dr. Robert W. Lewis, Technical Director, Natick Research, Development and Engineering Center, U.S. Army Troop Support Command
26. Mr. Victor Lindner, Associate Technical Director, U.S. Army Armament, Munitions and Chemical Command
27. Mr. Harold L. Mabrey, Director for Procurement and Production, U.S. Army Troop Support Command
28. Mr. A. David Mills, Assistant Deputy Chief of Staff, Supply Maintenance and transportation
29. Mr. John J. McCarthy, Chief, Logistics and Readiness Analysis Division, U.S. Army Materiel Systems Analysis Activity
30. Mr. David M. McEneany, Director of Engineering, U.S. Army Aviations Systems Command
31. Mr. D. R. Newberry, Director, Resource Management, U.S. Army Tank-Automotive Command
32. Dr. Kenneth J. Oscar, Director, Research and Development Engineering Center, U.S. Army Tank-Automotive Command
33. Mr. Raymond G. Pollard, III, Technical Director, U.S. Army Test and Evaluation Command
34. Dr. Glen Priddy, Director, Missile and Space Intelligence Center
35. Mr. Joseph J. Pucilowski, Jr., Director, Product Assurance and Test, U.S. Army Communications-Electronics Command
36. Mr. Daniel J. Ruberty, Logistics Director, U.S. Army Aviation Systems Command
37. Mr. Michael Sandusky, Deputy Chief of Staff for Program Analysis and Evaluation
38. Mr. Donald W. Schmitz, Deputy for Procurement and Production, U.S. Army Aviation Systems Command
39. Mr. James M. Skurka, Director, Command, Control, Communications and Intelligence Logistics and Readiness Center, U.S. Army Communications-Electronics Command
40. Mr. Perry C. Stewart, Deputy for Logistics Readiness, U.S. Army Armament, Munitions and Chemical Command
41. Dr. Marion Z. Thompson, Deputy for Industrial Preparedness and Installation, U.S. Army Armament, Munitions and Chemical Command
42. Dr. William T. Thornton, Chief, Construction-Operations Division, U.S. Army Corps of Engineers
43. Mr. Edgar B. Vandiver, III, Director, Concepts Analysis Agency
44. Mr. William T. Vomocil, Technical Director, U.S. Army Test and Evaluation Command
45. Mr. Robert O. Weidenmuller, Assistant Deputy Chief of Staff for Cost Analysis, HQ, U.S. Army Materiel Command
46. Dr. James A. Wise, III, Technical Director, U.S. Army Test and Evaluation Command
47. Dr. Thomas W. Wright, Senior Research Scientist, U.S. Army Laboratory Command
48. Mr. Morris J. Zusman, Technical Director, Belvoir Research, Development and Engineering Center, U.S. Army Troop Support Command

John O. Roach, II,

Army Liaison Officer With the Federal Register.

[FR Doc. 90-16384 Filed 7-12-90; 8:45 am]

BILLING CODE 3710-08-M

Defense Logistics Agency

Privacy Act of 1974; New Computer Matching Program Between the Department of Education and the Department of Defense

AGENCY: Defense Manpower Data Center, Defense Logistics Agency, Department of Defense.

ACTION: Notice of a new computer matching program between the Department of Education (ED) and the Department of Defense (DoD) for public comment.

SUMMARY: The DoD, as the matching agency under the Privacy Act of 1974, as amended, (5 U.S.C. 552a), is hereby giving constructive notice in lieu of direct notice to the record subjects of a computer matching program between ED and DoD that their records are being matched by computer. The record subjects are ED delinquent debtors who are current or former Federal employees or military members receiving Federal salary or benefit payments and indebted and delinquent in their repayment of debts owed to the United States Government under certain programs administered by ED so as to permit ED to pursue and collect the debt by voluntary repayment or by administrative or salary offset procedures under the provisions of the Debt Collection Act of 1982.

DATES: This proposed action will become effective August 13, 1990, and the computer matching will proceed accordingly without further notice, unless comments are received which would result in a contrary determination or if the Office of Management and Budget or Congress objects thereto. Any public comment must be received before the effective date.

ADDRESSES: Any interested party may submit written comments to the Director, Defense Privacy Office, 400 Army Navy Drive, room 205, Arlington, VA 22202-2884. Telephone (202) 694-3027.

SUPPLEMENTARY INFORMATION: Pursuant to subsection (o) of the Privacy Act of 1974, as amended, (5 U.S.C. 552a), the DoD and ED has concluded an agreement to conduct a computer matching program between the agencies. The purpose of the match is to exchange personal data between the agencies for debt collection from defaulters of student loan obligations held by ED under the Debt Collection Act of 1982. The match will yield the identity and location of the debtors within the Federal government so that ED can pursue recoupment of the debt by voluntary payment or by administrative or salary offset procedures. Computer matching appeared to be the most efficient and effective manner to accomplish this task with the least amount of intrusion of personal privacy of the individuals concerned. It was therefore concluded and agreed upon that computer matching would be the best and least obtrusive manner and choice for accomplishing this requirement.

A copy of the computer matching agreement between ED and DoD is available upon request to the public. Requests should be submitted to the address caption above or to the Debt

Collection and Management Assistance Service (DCMAS), Room 5118, ROB-3, Department of Education, 400 Maryland Avenue SW., Washington, DC 20202-5320.

Set forth below is a notice of the establishment of a computer matching program required by paragraph 6.c. of the Office of Management and Budget Guidelines on computer matching published in the **Federal Register** at 54 FR 25818 on June 19, 1989.

The matching agreement as required by 5 U.S.C. 552a(r) of the Privacy Act, and an advance copy of this notice was submitted on July 3, 1990, to the Committee on Governmental Operations of the House of Representatives, the Committee on Governmental Affairs of the Senate, and the Administrator of the Office of Information and Regulatory Affairs, Office of Management and Budget pursuant to paragraph 4b of Appendix I to OMB Circular No. A-130, "Federal Agency Responsibilities for Maintaining Records about Individuals," dated December 12, 1985 (50 FR 52730, December 24, 1985). The matching program is subject to review by OMB and Congress and shall not become effective until that review period has elapsed.

Dated: July 9, 1990.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

Computer Matching Program Between the Department of Education and the Department of Defense

A. *Participating Agencies:* Participants in this computer matching program are the Debt Collection and Management Assistance Service (DCMAS), Department of Education (ED) and the Defense Manpower Data Center (DMDC) of the Department of Defense (DoD). The DCMAS is the source agency, i.e., the agency disclosing the records for the purpose of the match. The DMDC is the specific recipient agency or matching agency, i.e., the agency that actually performs the computer matching.

B. *Purpose of the Match:* The purpose of the match is to identify and locate ED delinquent debtors who are current or former Federal employees or military members receiving any Federal salary or benefit payments that are indebted and delinquent in their repayment of debts to the United States Government under certain programs administered by ED so as to permit ED to pursue and collect the debt by voluntary repayments or by administrative or salary offset procedures under the provisions of the Debt Collection Act of 1982.

C. *Authority for Conducting the Match:* The legal authority for conducting the matching program is contained in the Debt Collection Act of 1982 (Pub. L. 97-365), 31 U.S.C. chapter 37, subchapter I (General) and subchapter II (Claims of the United States Government), 31 U.S.C. 3711 Collection and Compromise, 31 U.S.C. 3716 Administrative Offset, 5 U.S.C. 5514 Installment deduction for indebtedness (salary offset); 10 U.S.C. 136, Assistant Secretaries of Defense, appointment powers and duties; section 206 of Executive Order 11222; 4 CFR chapter II, Federal Claims Collection Standards (General Accounting Office—Department of Justice); 5 CFR 550.1101-550.1108 Collection by Offset from Indebted Government Employees (OPM); 34 CFR part 30—Debt Collection and part 31—Salary Offset for Federal Employees who are indebted to the United States Under Programs Administered by the Secretary of Education.

D. *Records to be Matched:* The systems of records maintained by the respective agencies under the Privacy Act of 1974, as amended, 5 U.S.C. 552a, from which records will be disclosed for the purpose of this computer match are as follows: ED will use records from two systems of records. Record system identified as 18-40-0025, entitled "NDSL Student Loan Files—ED/OPE/OSFA," last published in the **Federal Register** at 47 FR 27884 on June 28, 1982 and record system identified as 18-40-0026, entitled "Guaranteed Loan Program—Paid Claims File ED/OPE/OSFA," last published in the **Federal Register** at 47 FR 27885 on June 28, 1982. These record systems will be matched against the DoD record system identified as S322.11 DLA-LZ, entitled "Federal Creditor Agency Debt Collection Data Base," last published in the **Federal Register** at 52 FR 37495 on October 7, 1987. The categories of records in the ED systems are student loan defaulters. The categories of records in the DoD system consists of active and retired military members, including the reserve, and the OPM government-wide Federal active and retired civilian records. All these record systems involved contain an appropriate routine use disclosure provision required by the Privacy Act permitting the interchange of the affected personal information between ED and DoD. These routine uses are compatible with the purpose for collecting the information and establishing and maintaining the record systems.

E. *Description of Computer Matching Program:* DCMAS, as the source, will provide DMDC with a magnetic tape of individuals delinquent in repayment of ED student loans. The tape will contain data elements of name and SSN on approximately 2.7 million individual debtors. Upon receipt of the computer tape file of debtor accounts, DMDC as the recipient matching agency, will perform a computer match using all nine digits of the SSN of the ED file against a DMDC computer data base. The DMDC computer data base, established under an interagency agreement between DoD, OPM, OMB and the Treasury Department, consists of employment records of approximately 10 million Federal employees and military members, active and retired. Matching records, "hits" based on the SSN, will produce the member's name, service or agency, category of employee, salary or benefit amounts, and current work or home address. The hits will be furnished to DCMAS. DCMAS will be responsible for verifying and determining if the data of the DMDC reply tape file are consistent with DCMAS's source file and to resolve any discrepancies or inconsistencies on an individual basis. DCMAS will also be responsible for making final determinations as to positive identification, amount of indebtedness and recovery efforts as a result of the match. DCMAS expects to obtain current address information on approximately 100,000 Federal employees/retirees or military members having student loan obligations held by ED.

F. *Inclusive Dates of the Matching Program:* This computer matching program is subject to review by the Office of Management and Budget and Congress. If no objections are raised by either, and the mandatory 30 day public notice period for comment has expired for this **Federal Register** notice with no significant adverse public comments in receipt resulting in a contrary determination, then this computer matching program becomes effective and the respective agencies may begin the exchange of data 30 days after the date of this published notice at a mutually agreeable time and will be repeated on an annual basis, unless OMB or the Treasury Department request a match twice a year. Under no circumstances shall the matching program be implemented before the 30 day public notice period for comment has elapsed as this time period cannot be waived. By agreement between ED and DoD, the matching program will be in effect and continue for 18 months with an option to renew for 12 additional months unless one of the parties to the agreement advises the

other by written request to terminate or modify the agreement.

G. *Address for Receipt of Public Comments or Inquiries:* Director, Defense Privacy Office, 400 Army Navy Drive, Room 205, Arlington, VA 22202-2884. Telephone (202) 694-3027.

[FR Doc. 90-16413 Filed 7-12-90; 8:45 am]
BILLING CODE 3810-01-M

Privacy Act of 1974: New Computer Matching Program Between the Social Security Administration and the Department of Defense

AGENCY: Defense Manpower Data Center, Defense Logistics Agency, Department of Defense (DoD).

ACTION: Notice of a new computer matching program between the Social Security Administration (SSA) and the Department of Defense (DoD).

SUMMARY: The DoD, as the matching agency under the Privacy Act, is (1) hereby giving indirect or constructive notice in lieu of direct notice to the record subjects of this computer matching program between the SSA and DoD that their records are being matched to validate an applicant's initial eligibility for, or recipients receiving, Supplemental Security Income (SSI) benefits from the SSA; and (2) announcing to the public the opportunity to comment on the proposed computer matching program.

DATES: This proposed action is effective on August 13, 1990, and the computer matching will proceed accordingly without further notice, unless comments are received which would result in a contrary determination or if the Office of Management and Budget or Congress objects thereto. Any public comments must be received before the effective date.

ADDRESSES: Please submit written comments to the Director, Defense Privacy Office, 400 Army Navy Drive, Room 205, Arlington, VA 22202-2884. Telephone (202) 694-3027 or Autovon 224-3027.

SUPPLEMENTARY INFORMATION: Pursuant to subsection (o) of the Privacy Act of 1974, as amended, 5 U.S.C. 552a, the DoD and the SSA has concluded an agreement to conduct a computer matching program between the agendas. The purpose of the computer match is to verify the information furnished to the SSA by applicants and recipients of social security supplemental income benefits who are retired military members or their survivors. By law, the SSA must independently verify the information submitted by personnel. Computer matching appeared to be the most efficient and economical manner in which this verification process could be accomplished while preserving the due process of the individual concerned. Therefore, it was concluded and agreed upon that computer matching would be the best and least obtrusive manner and choice for accomplishing this requirement.

A copy of the computer matching agreement between the SSA and the DoD is available upon request to the public. Requests should be submitted to the address above or to the Chief, Program Quality Branch, Office of Supplemental Security Income, 3-1-R Operations Building, 6401 Security Boulevard, Woodlawn, MD 21235.

Set forth below is a notice of the establishment of a computer matching program required by paragraph 6.c. of the Office of Management and Budget Guidelines on computer matching published in the **Federal Register** at 54 FR 25818 on June 19, 1989.

The matching agreement as required by 5 U.S.C. 552a(r) of the Privacy Act, was submitted on July 3, 1990, to the Committee on Governmental Operations of the House of Representatives, the Committee on Governmental Affairs of the Senate, and the Administrator of the Office of Information and Regulatory Affairs (OMB), pursuant to paragraph 4b of Appendix I to OMB Circular No. A-130, "Federal Agency Responsibilities for Maintaining Records about Individuals," dated December 12, 1985 (50 FR 52730, December 24, 1985). The matching program is subject to review by OMB and Congress and shall not become effective until that review period has elapsed.

Dated: July 9, 1990.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

Computer Matching Program Between the Department of Defense and the Social Security Administration

A. *Participating agencies:* Participants in this computer matching are the Social Security Administration (SSA) of the Department of Health and Human Services (HHS) and the Defense Manpower Data Center (DMDC) of the Department of Defense (DoD). The SSA is the source agency, i.e., the agency disclosing the records for the purpose of the match. The DMDC is the specific recipient agency or matching agency, i.e., the agency that actually performs the computer matching.

B. *Purpose of the match:* The purpose of this computer matching program is to verify the information provided to the SSA by applicants and recipients, who are retired military members of their survivors, for Supplemental Security Income (SSI) benefits. By law, the SSA must verify the eligibility information provided by these personnel by independent means and make final determinations as to eligibility of individual applicants or recipients for particular benefits, specific amounts, and any adjustments or recovery thereof for this Federal benefit program. If this operation was not automated, and full reliance were placed solely on manual actions, the costs would be prohibitive. Furthermore, in a fully manual operations, the data could very easily be outdated by the time it was processed.

C. *Authority for conducting the match:* The legal authority for the matching program is contained in 42 U.S.C. 1383(e)(1)(B) which requires SSA to verify eligibility factors and other relevant information provided by the SSI applicant from independent or collateral sources and obtain additional information, as necessary, before making SSI determinations of eligibility or payment amount. 42 U.S.C. 1383(f) states that the head of any Federal agency shall provide such information as the Secretary of Health and Human Services needs for purposes of determining eligibility for or amount of benefits, or verifying other information with respect thereto.

D. *Records to be matched:* The systems of records maintained by the respective agencies under the Privacy Act of 1974, as amended, 5 U.S.C. 552a, from which records will be disclosed for the purpose of this computer match are as follows: The Social Security Administration, HHS, will use records from a system identified as 09-60-0103, entitled "Supplemental Security Income Record, HHS/SSA/OURV", last published in the **Federal Register** at 47 FR 45635 on October 13, 1982. The category of records to be used from this system is the SSI eligibility file. DMDC (DoD) will use a record system from the Defense Logistics Agency identified as S322.10DLA-LZ entitled "Defense Manpower Data Center Data Base", 1st published in the **Federal Register** at 53 FR 44937 on November 7, 1988. The categories of records utilized are military retirees and/or their survivors. The specific data elements to be used in the match are set forth below under the description of the computer matching program. Both systems or records respectively contain an appropriate routine use disclosure provision permitting the interchange of the affected personal information between SSA and DMDC. These routine uses are compatible with the purpose for

collecting the information and establishing and maintaining the record system.

E. *Description of computer matching program:* A magnetic computer tape (query file), provided by SSA as the source, will contain approximately 5 million records extracted from the Supplemental Security Income Record system of records which is made up of individual record subjects containing the name, social security number and type of beneficiary. The tape will be matched by DMDC, as the recipient matching agency, and matched against the data base category of individuals who are military retirees (Army, Navy, Air Force and Marine Corps) or their survivors. DMDC will match on the social security number and provide the SSA on a reply tape file the following data elements on a match (hit): Name, date of birth, address, payments status, monthly pension amount, date of entitlement, date of nay payments stopped and reason. The reply tape file will contain approximately 5,000 records. SSA will be responsible for verifying and determining if the data of the DMDC reply file are consistent with the data of the SSA query file and to resolve any discrepancies or inconsistencies on an individual basis. SSA will also be responsible for making final determinations as to eligibility or amount of benefits, their continuation or adjustment thereto, or nay recovery of overpayments as a result of the match.

F. *Providing due process to individuals:* Record subjects of the match will be afforded due process procedures. Neither the SSA, as the source agency or the DMDC, as the recipient agency may suspend, terminate, reduce, or make a final denial of any financial assistance for this SSI Federal benefit program to any individual or take other adverse action against such individual as a result of the match, until an officer or employee of the SSA has independently verified such information and the individual has received a notice from the SSA containing a statement of its findings and gives the individual the opportunity to contest the findings before making a final determination. While applicants need not be enrolled for benefits, recipients already receiving benefits will not have them suspended or reduced pending expiration of the contest period afforded in the individual. Individuals have 30 days to respond to a notice of an adverse action.

G. *Inclusive dates of the matching program:* This computer matching program is subject to review by the Office of Management and Budget and Congress. If no objections are raised by either, and the mandatory 30 day public notice period for comment has expired for this **Federal Register** notice with no significant adverse public comments in receipt resulting in a contrary determination, then this computer matching program becomes effective and the respective agencies may begin the exchange of data 30 days after the data of this published notice at a mutually agreeable time and will be repeated on an annual basis. Under no circumstances shall the matching program be implemented before the 30 day public notice period for comment has elapsed as this time period cannot be waived. By agreement between SSA and DMDC, the matching program will be in effect and continue for 18 months with an option to renew for 12 additional months.

H. *Address for receipt of public comments or inquiries:* Director, Defense Privacy Office, 400 Army Navy Drive, Room 205, Arlington, VA 22202–2884. Telephone (202) 694–3027.

[FR Doc. 90–16414 Filed 7–12–90; 8:45 am]
BILLING CODE 3810–01–M

DEPARTMENT OF EDUCATION

Proposed Information Collection Requests

AGENCY: Department of Education.

ACTION: Notice of proposed information collection requests.

SUMMARY: The Director, Office of Information Resources Management, invites comments on the proposed information collection requests as required by the Paperwork Reduction Act of 1980.

DATES: Interested persons are invited to submit comments on or before August 13, 1990.

ADDRESSES: Written comments should be addressed to the Office of Information and Regulatory Affairs, Attention: Jim Houser, Desk Officer, Department of Education, Office of Management and Budget, 720 Jackson Place NW., room 3208, New Executive Office Building, Washington, DC 20503. Requests for copies of the proposed information collection requests should be addressed to George P. Sotos, Department of Education, 400 Maryland Avenue SW., room 5624, Regional Office Building 3, Washington, DC 20202.

FOR FURTHER INFORMATION CONTACT: George P. Sotos (202) 732–2174.

SUPPLEMENTARY INFORMATION: Section 3517 of the Paperwork Reduction Act of 1980 (44 U.S.C. chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations.

The Acting Director, Office of Information Resources Management, publishes this notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following:

(1) Type of review requested, *e.g.*, new, revision, extension, existing or reinstatement; (2) Title; (3) Frequency of collection; (4) The affected public; (5) Reporting burden; and/or (6) Recordkeeping burden; and (7) Abstract. OMB invites public comment at the address specified above. Copies of the requests are available from George Sotos at the address specified above.

Dated: July 9, 1990.

George P. Sotos,

Acting Director for Office of Information Resources Management.

Office of Postsecondary Education

Type of Review: Extension.
Title: New and Continuation Application for Grants under Talent Search Program.
Frequency: Annually.
Affected Public: State or local governments; non-profit institutions; and small businesses or organizations.
Reporting Burden:
Responses: 300.
Burden Hours: 10,200.
Recordkeeping Burden:
Recordkeepers: 0.
Burden Hours: 0.
Abstract: This form will be used by institutions of higher eduction, public and private agencies and organizations, and in exceptional cases, secondary schools to apply for funding under the Talent Search program. The Department uses the information collected to make grant awards.

Office of Postsecondary Education

Type of Review: Extension.
Title: Continuation Application for Grants under the Strengthening Institutions Program.
Frequency: Annually.
Affected Public: Non-profit institutions.

Reporting Burden:
Responses: 250.
Burden Hours: 3,750.
Recordkeeping Burden:
Recordkeepers: 250.
Burden Hours: 750.
Abstract: This form will be used by institutions of higher education to apply for grants under the Strengthening Institutions Program. The Department uses this information to make grant awards to those institutions that are eligible.

[FR Doc. 90-16363 Filed 7-12-90; 8:45 am]
BILLING CODE 4000-01-M

Office of Bilingual Education and Minority Languages Affairs; Transitional Bilingual Education Program and Special Alternative Instructional Program

AGENCY: Department of Education.

ACTION: Notice of proposed priority for fiscal year (FY) 1991.

SUMMARY: The Secretary of Education proposes an absolute priority for a special competition under the Transitional Bilingual Education (TBE) and Special Alternative Instructional (SAI) programs administered by the Office of Bilingual Education and Minority Languages Affairs (OBEMLA) in fiscal year (FY) 1991.

DATES: Comments must be received on or before August 13, 1990.

ADDRESSES: All comments concerning this proposed priority should be addressed to OBEMLA, U.S. Department of Education, 400 Maryland Avenue SW., room 5611, Switzer Building, Washington, DC 20202-6641.

FOR FURTHER INFORMATION CONTACT: Harry G. Logel, OBEMLA. Telephone: (202) 732-5715.

SUPPLEMENTARY INFORMATION: Awards for TBE and SAI programs are made to local educational agencies (LEAs) to provide instructional services to limited English proficient (LEP) children. Authority for these programs is found in section 7021 of the Bilingual Education Act of 1984, as amended (20 U.S.C. 3291.

Bilingual education programs have been funded by the Federal government for over 20 years in an effort to ensure equal educational opportunity for all students. In recent years some school districts have had heavy influxes of LEP students as a result of immigration and secondary migrations. The Secretary is proposing this special competition to provide these districts with additional assistance. A district qualifying for this competition could apply for funds under either the TBE or the SAI program.

For the purposes of this proposed priority, the Secretary has chosen to define a "recent major influx of LEP students" as the arrival in an LEA, within the last two years, of at least 500 such children or of a number of such children that equals at least three percent of the LEA's total enrollment.

The Secretary chose these measures because they appear to be fair indicators of whether a school district has had to absorb a sudden arrival of a substantial number of LEP children and is, therefore, in particular need of additional assistance. In addition, these proposed criteria are similar to those used in determining eligibility for the Emergency Immigrant Education Program. The Secretary invites interested persons to submit comments and recommendations regarding the appropriateness of using these criteria for this special bilingual education competition. The criteria may be revised on the basis of public comment.

The Administration has proposed $12 million in its fiscal year 1991 budget for this special competition. The competition is contingent upon Congressional appropriation of funds for this purpose. However, in order to ensure that funds are awarded in a timely manner, should those funds be appropriated, it is necessary to publish this notice of proposed priority at this time.

The final priority will be established on the basis of public comment regarding this proposed priority and other relevant Departmental considerations, and will be announced in a notice in the **Federal Register**. A notice inviting applications for this competition will be published at that time, after which application packages will be available. This competition will be in addition to the regular competitions for new TBE and SAI program grants in FY 1991.

This notice of proposed priority does not solicit applications, and Department of Education staff will not review concept papers or pre-applications. The publication of this proposed priority does not bind the Federal government to fund projects in this area, except as otherwise directed by statute. Funding of particular projects depends on the final priority, the availability of funds, and the quality of applications that are received.

Proposed Priority

In accordance with the Education Department General Administrative Regulations (EDGAR) at 34 CFR 75.105(c)(3), the Secretary proposes to give an absolute preference in a special competition in FY 1991 under the TBE and SAI programs to applications that meet the following priority:

The local educational agency (LEA) must propose to provide bilingual instructional services to students who are part of both a recent and a major influx of limited English proficient (LEP) children into its district. To be considered part of a recent influx, the LEP children must have arrived in the LEA's district during the two years immediately preceding the LEA's application to the Department for funds under this priority. An LEA will be determined to have received a major influx of LEP children if it can demonstrate that the total number of those recently arrived LEP students is equal to at least either 500 such students or three percent of the overall enrollment.

Invitation To Comment

Interested persons are invited to submit comments and recommendations regarding this proposed priority. All comments submitted in response to this proposed priority will be available for public inspection during and after the comment period in room 5007, Switzer Building, 330 "C" Street SW., Washington, DC., between the hours of 8:30 a.m. and 4 p.m., Monday through Friday of each week except Federal holidays.

Authority: 20 U.S.C. 3291.

Dated: July 10, 1990.

Lauro F. Cavazos,

Secretary of Education.

[FR Doc. 90-16401 Filed 7-12-90; 8:45 am]
BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. ER90-474-000, et al.]

PSI Energy, Inc., et al.; Electric Rate, Small Power Production, and Interlocking Directorate Filings

Take notice that the following filings have been made with the Commission:

1. PSI Energy, Inc.

[Docket No. ER90-474-000]

July 6, 1990.

Take notice that PSI Energy, Inc., on June 29, 1990, tendered for filing the First Supplemental Agreement, dated May 1, 1990, to the Interim Scheduled Power Agreement (1989), dated May 24, 1989, between PSI Energy, Inc., formerly named Public Service Company of Indiana, Inc. (PSI), and Wabash Valley

Power Association, Inc. (Wabash Valley). Such 1989 Agreement has been designated as PSI's Rate Schedule FERC No. 241.

The First Supplemental Agreement provides for additional services of power to be supplied by PSI to Wabash Valley as follows:

1. Excess Energy to provide the highest possible load factor for Interim Scheduled Power supplied under the 1989 Agreement.

2. Inadvertent Excess Power in the event that Wabash Valley inadvertently overschedules Excess Energy.

Copies of the filing were served on Wabash Valley Power Association, Inc. and the Indiana Utility Regulatory Commission.

The parties have requested a waiver of the Commission's Rules and Regulations to permit the proposed services to become effective June 1, 1990.

Comment date: July 20, 1990, in accordance with Standard Paragraph E at the end of this notice.

2. Indiana and Michigan Municipal Distributors Association and the City of Auburn, IN v. Indiana Michigan Power Co.

[Docket No. EL90-37-000]

July 5, 1990.

Take notice that on June 29, 1990, the Indiana and Michigan Municipal Distributors Association (IMMDA) and the City of Auburn, Indiana (Auburn) tendered for filing a complaint against Indiana Michigan Power Company (I&M).

IMMDA submits that the rates currently charged by I&M to IMMDA and Auburn are excessive and cause them to pay rates which are unjust, unreasonable and unduly discriminatory and therefore unlawful under the FPA. IMMDA requests that the Commission set this matter for hearing, and establish the earliest possible refund effective date under section 206 of the Federal Power Act, as amended by the Regulatory Fairness Act, or August 28, 1990.

Comment date: August 6, 1990, in accordance with Standard Paragraph E at the end of this notice.

3. Consumers Power Co.

[Docket No. ER90-475-000]

July 6, 1990.

Take notice that on June 29, 1990, Consumers Power Company (Consumers) tendered for filing a revision to the annual charge rate for charges due Consumers from Northern Indiana Public Service Company (Northern), under the terms of the Barton Lake Batavia Interconnection Facilities Agreement (designated Consumers Power Company Electric Rate Schedule FERC No. 44).

The revised charge is provided for in Subsection 1.043 of the Agreement, which provides that the annual charge rate may be redetermined from time to time by Consumers. The annual fixed rate charge factor has been redetermined using year-end 1989 data with the new annual charge rate effective May 1, 1990. As a result of the redetermination, the monthly charges to be paid by Northern were reduced from $18,430 to $18,235.

Consumers requests an effective date of May 1, 1990, and therefore requests waiver of the Commission's notice requirements.

Comment date: July 20, 1990, in accordance with Standard Paragraph E at the end of this notice.

4. EUA Power Corp.

[Docket No. ER90-330-002]

July 6, 1990.

Take notice that on June 18, 1990, EUA Power Corporation (EUA Power) filed an amended rate schedule for the sale of post-commercial short-term energy from the Seabrook nuclear unit to Montaup Electric Company (Montaup). The rate schedule is tendered in compliance with a letter order dated May 23, 1990. The rate schedule is tendered in the event that EUA Power's application for rehearing of that letter order is denied. In compliance with the letter order, the rate schedule permits EUA Power to charge Montaup for all energy sold to Montaup one-half of the difference between EUA Power's incremental cost of producing energy sold to Montaup and Montaup's decremental cost.

EUA Power requests that the enclosed amended rate schedule for the sale of short-term energy be allowed to become effective as of date when Seabrook enters commercial service. Waiver of the 60-day notice requirements is requested.

Copies of the filing have been mailed to the Massachusetts Department of Public Utilities, the Rhode Island Division of Public Utilities and Common Carriers, the Attorneys General of Massachusetts and Rhode Island, and Montaup's other M-rate customers.

Comment date: July 20, 1990, in accordance with Standard Paragraph E at the end of this notice.

5. Wisconsin Public Service Corp.

[Docket No. ER90-476-000]

July 6, 1990.

Take notice that on July 2, 1990, Wisconsin Public Service Corporation (WPSC) tendered for filing a proposed amendment to its W-2 Partial Requirements Tariff for Service to Interconnected Utility Customers. The amendment would allow WPSC, with the consent of the affected W-2 customer, to extend the Period A or "design Peak" period hours for up to 3 hours. In exchange, for each hour of extension, a mutually agreed-upon day would be designated during which no Period A hours would apply for billing purposes. The company recently proposed the same amendment to its W-3 Partial Requiremenets Tariff for Load Pattern Service to interconnect utility customers, in Docket No. ER90-340-000.

Wisconsin Public Service Corporation states that the tariff amendment was designed to deal with abnormal load patterns that have recently occurred during exceptionally hot summer weather. In order to address that concern this summer, WPSC requests waiver of notice and an effective date of July 2, 1990. The Company states that the affected customer, Manitowoc Public Utilities, supports the filing and the proposed waiver of notice. Copies of the filing have been served upon the customer and upon the Public Service Commission of Wisconsin.

Comment date: July 20, 1990, in accordance with Standard Paragraph E at the end of this notice.

6. Maine Electric Power Co.

[Docket No. ER90-370-000]

July 6, 1990.

Take notice that on June 20, 1990, Maine Electric Power Company (MEPCO), tendered for filing the following:

Amendment No. 1 dated June 15, 1990 to Transmission Contract between Massachusetts Municipal Wholesale Electric Company and Maine Electric Power Company.

MEPCO has requested waiver of the Commission's notice and filing requirements to the extent necessary to permit the Amendment to be effective as of October 31, 1990.

MEPCO has served copies of the filing on the affected customers and on the Maine Public Utilities Commission.

Comment date: July 20, 1990, in accordance with Standard Paragraph E at the end of this notice.

7. Maine Electric Power Co.

[Docket No. ER90-371-000]

July 6, 1990.

Take notice that on June 20, 1990, Maine Electric Power Company (MEPCO), tendered for filing the following:

1. Notice of Termination effective as of November 30, 1989, in accordance with the terms of Transmission Service Agreement effective December 1, 1985 between Maine Electric Power Company and Central Maine Power Company.

2. Notice of Termination effective as of October 31, 1989, in accordance with the terms of the Transmission Service Agreement effective November 1, 1987 between Maine Electric Power Company and Bangor Hydro-Electric Company.

3. Notice of Termination effective as of November 30, 1989, in accordance with the terms of Transmission Service Agreement effective June 1, 1988 between Maine Electric Power Company and Public Service Company of New Hampshire.

4. Notice of Termination effective as of September 30, 1988, in accordance with the terms of Transmission Service Agreement effective July 1, 1988 between Maine Electric Power Company and Boston Edison Company.

5. Notice of Termination effective as of November 30, 1988, in accordance with the terms of Transmission Service Agreement effective November 1, 1988 between Maine Electric Power Company and New England Power Company.

6. Notice of Termination effective as of September 30, 1989, in accordance with the terms of Transmission Service Agreement effective May 1, 1989 between Maine Electric Power Company and Unitil Power Corp.

MEPCO has requested waiver of the filing requirements of § 35.15 of the Commission's regulations so as to permit the above identified Notices of Termination to be effective as of the dates indicated.

MEPCO has served copies of the filing on the affected customers and on the Maine Public Utilities Commission.

Comment date: July 20, 1990, in accordance with Standard Paragraph E at the end of this notice.

8. Texaco Chemical Co.

[Docket No. QF90-174-000]

July 6, 1990.

On June 27, 1990, Texaco Chemical Company (Applicant), of 6001 Highway 366, P.O. Box 847, Port Neches, Texas 77651, submitted for filing an application for certification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The topping-cycle cogeneration facility will be located at Port Neches, Texas. The facility will consist of two combustion turbine generator units and two supplementary fired heat recovery boilers. Steam produced by the facility will be used for process heating. The maximum net electric power production capacity of the facility will be 85 MW. The primary energy source will be natural gas. Installation is expected to begin in May 1991.

Comment date: July 20, 1990, in accordance with Standard Paragraph E at the end of this notice.

9. Jeffrey J. Burdge

[Docket No. ID-2484-000]

July 6, 1990.

Take notice that on June 25, 1990, Jeffrey J. Burdge (Applicant) tendered for filing an application under section 305(b) of the Federal Power Act top hold the following positions:

Director, Pennsylvania Power & Light Company
Director, AMP Incorporated
Director, Pamcor Incorporated

Comment date: July 20, 1990, in accordance with Standard Paragraph E at the end of this notice.

10. Southwestern Public Service Company

[Docket Nos. ER84-604-014 and ER88-156-003]

July 6, 1990.

Take notice that on June 21, 1990, Southwestern Public Service Company tendered for filing a supplemental compliance filing to the compliance filing submitted on June 4, 1990 in the above reference dockets.

Comment date: July 20, 1990, in accordance with Standard Paragraph E at the end of this notice.

11. Arizona Public Service Co.

[Docket Nos. ER89-265-003 and EL89-26-000]

July 6, 1990.

Take notice that on June 28, 1990, Arizona Public Service Company (APS) tendered for filing a Compliance Refund Report which reflects the Rate Settlement Agreement between Arizona Public Service Company and Citizens Utilities Company (Citizens) as authorized by the Commission's letter of approval dated April 12, 1990. There were no refund amounts owing to Citizens under the terms of the Rate Settlement Agreement.

Copies of this filing have been served on Citizens and the Arizona Corporation Commission.

Comment date: July 20, 1990, in accordance with Standard Paragraph E at the end of this notice.

12. Northern States Power Co.

[Docket No. ER90-349-000]

July 6, 1990.

Take notice that on June 26, 1990, Northern States Power Company (NSP) tendered for filing a response to a request from staff for additional information in the above referenced docket on the Long Term Transmission Service Agreement For Deliveries to Eastern Wisconsin among NSP-MN, NSP-WI, and WPPI.

Comment date: July 20, 1990, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraph

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 90-16343 Filed 7-12-90; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA90-1-15-000]

Mid Louisiana Gas Co., Proposed Change of Rates

July 6, 1990.

Take notice that Mid Louisiana Gas Company (Mid Louisiana) on July 2, 1990, tendered for filing as part of First Revised Volume No. 1 of its FERC Gas Tariff the following Tariff Sheet to become effective September 1, 1990:

	Superseding
Seventy-Fourth Revised Sheet No. 3a	Seventy-Third Revised. Sheet No. 3a.

Mid Louisiana states that the purpose of the filing of Seventy-Fourth Revised Sheet No. 3a is to reflect a $.0801 per Mcf decrease in its current gas cost and a Positive Surcharge of $.2245 per Mcf.

This filing is being made in accordance with Section 19 of Mid Louisiana's FERC Gas Tariff. Mid Louisiana states that copies of this filing have been mailed to Mid Louisiana's Jurisdictional Customers and interested State Commissions.

Any person desiring to be heard or to protest said filing should file a Petition to Intervene or Protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426 in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before July 26, 1990. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a Petition to Intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 90-16348 Filed 7-12-90; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. TA90-1-37-004]

Northwest Pipeline Corp.; Proposed Change in FERC Gas Tariff

July 6, 1990.

Take notice that on July 2, 1990, Northwest Pipeline Corporation ("Northwest") tendered for filing and acceptance the following tariff sheets:

First Revised Volume No. 1

Substitute Sixty-Fourth Revised Sheet No. 10 (Effective April 1, 1990)
Substitute Sixty-Seventh Revised Sheet No. 10 (Effective July 1, 1990)
Substitute Sixty-Eighth Revised Sheet No. 10 (Effective August 1, 1990)
Substitute Second Revised Sheet No. 10.1 (Effective July 1, 1990)

Northwest states that the purpose of this filing is to restate the Account No. 191 surcharge effective April 1, 1990 in compliance with Ordering Paragraph (C)(4) of the Commission's March 29, 1990 order, issued in the above dockets. The surcharge adjustment reflects the recalculation of carrying charges applicable to Account No. 191.10 for the period December 1, 1988 through November 30, 1989. The aforementioned adjustment results in a credit surcharge of 5.46¢ MMBtu versus the 4.55¢ per MMBtu credit which is currently in place.

Northwest states that a copy of this filing has been sent to all jurisdictional sales customers and affected state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with §§ 385.214 and 385.211 of the Commission's Rules of Practice and Procedure. All such motions or protests should be filed on or before July 13, 1990. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Persons that are already parties to this proceeding need not file a motion to intervene in this matter. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 90-16350 Filed 7-12-90; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA90-1-86-000]

Pacific Gas Transmission Co.; Change in Sales Rates Pursuant to Purchased Gas Adjustment

July 6, 1990.

Take notice that on July 5, 1990, Pacific Gas Transmission Company (PGT) submitted for filing pursuant to part 154 of the Federal Energy Regulatory Commission's (Commission) Regulations Under the Natural Gas Act, a proposed change in rates applicable to service rendered under rate schedules PL-1 and S-1, affected by and subject to paragraph 21, "Purchased Gas Cost Adjustment" (PGA), of its FERC Gas Tariff, Substitute First Revised Volume No. 1. Such change is for the purpose of establishing stated rates for commodity gas costs to become effective August 1, 1990. These changes to PGT's historic cost-of-service tariff are made pursuant to Commission orders in Docket Nos. RP87-62, *et al.*

PGT states that a copy of this filing has been served on PGT's jurisdictional sales customers and interested state commissions.

Any person desiring to be heard or protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with §§ 385.214 and 385.211 of the Commission's Rules of Practice and Procedure. All such motions or protests should be filed on or before July 30 1990. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 90-16351 Filed 7-12-90; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. CP88-133-001, et al.]

Transwestern Pipeline Co. et al.; Natural Gas Certificate Filings

Take notice that the following filings have been made with the Commission:

1. Transwestern Pipeline Co.

[Docket No. CP88-133-001]

July 5, 1990.

Take notice that on June 22, 1990, Transwestern Pipeline Company (Transwestern), 1400 Smith Street, Houston, Texas 77002, filed in Docket No. CP88-133-001, an application pursuant to section 7(c) of the Natural Gas Act and § 157.7 of the Commission's Regulations to amend the Certificate of Public Convenience and Necessity issued March 1, 1988, to authorize Transwestern to implement a capacity brokering program, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Tranwestern states that this application is filed as part of a Stipulation and Agreement and Offer of Settlement, which was submitted in Docket Nos. RP89-48-000, *et al.* Transwestern herein requests that the Commission amend its March 1, 1988, order to permit Transwestern to implement a capacity brokering program which would permit Rate Schedule FTS-1 Shippers to broker their firm transportation rights to third parties. Such brokering would be subject to the following:

(1) Each FTS-1 Shipper would be authorized to broker its firm transportation rights under Rate Schedule FTS-1 in accordance with the terms and conditions of any certificate issued herein, as well as the terms and conditions of all applicable Commission Regulations.

(2) Each FTS-1 Shippers would agree to be responsible to Transwestern for compliance with all applicable terms and conditions of Transwestern's FERC

Gas Tariff and the FTS–1 Service Agreement.

(3) The brokering of firm capacity under Rate Schedule FTS–1, and the rebrokering of such capacity, would be available on an open access, not unduly discriminatory basis.

(4) All third parties participating in this program would agree that they would comply with the terms and conditions of any certificate issued herein, and all applicable Commission Regulations. The FTS–1 Shippers, and subsequent third parties participating in the program, may impose reasonable, nondiscriminatory conditions upon the brokering of Transwestern's capacity. Such conditions must be consistent with the FTS–1 Service Agreement between the FTS–1 Shipper and Transwestern, and with Transwestern's tariff. FTS–1 Shippers, and subsequent third parties participating in the program, may pass through any scheduling or balancing penalties actually incurred. Penalties may only be passed through to the person(s) who caused the penalty to be incurred.

(5) Each Shipper participating in the program warrants that it will have good title to all gas delivered to Transwestern free an clear of all liens, encumbrances and claims whatsoever. FTS–1 Shippers also agree to indemnify and hold Transwestern harmless against such loss or costs incurred by Transwestern on account of any liens, encumbrances and claims.

(6) The maximum price charged for brokered and rebrokered capacity shall be the applicable as-billed rate, as may be revised from time to time. The maximum one part rate must be calculated using the projected FTS–1 load factor underlying Transwestern's current rates. Each Shipper participating in the program may charge a two part rate that is different than Transwestern's two part rate for capacity brokered on a firm basis, provided that the total revenues do not exceed those that would be generated utilizing the rates which Transwestern charges to the FTS–1 Shipper, and further provided that the reservation charge does not exceed the reservation charge paid by the respective FTS–1 Shipper to Transwestern.

(7) Transwestern will continue to make available on an interruptible basis all capacity that is not used by FTS–1 Shippers or brokered by FTS–1 Shippers and at a rate within the minimum and maximum rate for such service under Transwestern's Rate Schedule ITS–1, plus a production and gathering charge, fuel, and all applicable surcharges, as may be revised from time to time. FTS–1 Shippers must notify Transwestern of the availability of capacity, within 48 hours, throughout the program. Transwestern will post this notice on its electronic bulletin board.

(8) The issuance by the Commission of the authorizations requested herein and the submittal of a Capacity Brokering Notice shall constitute the sole authorization required by FTS–1 Shippers or third parties using capacity of FTS–1 Shippers, who are not interstate pipeline companies otherwise subject to the jurisdiction of the Commission. The Commission will exercise limited jurisdiction only over any participant in the program that is not otherwise subject to the jurisdiction of the Commission.

(9) FTS–1 Shippers and third parties using the capacity of FTS–1 Shippers, who are interstate pipeline companies subject to the jurisdiction of the Commission, will be required to obtain: (a) A blanket transportation certificate pursuant to subpart G of part 284 of the Commission's Regulations; and (b) Commission approval of the tariff provisions pursuant to which those companies would broker FTS–1 transportation rights.

(10) The term of this program is fifteen years, commencing with the Effective Date of the Stipulation in Docket No. RP89–48–000, *et al.*, with pregranted abandonment.

(11) Any future changes to the program would be implemented on a prospective basis.

(12) Pregranted abandonment of the individual brokering or rebrokering transactions would be authorized.

(13) No person is authorized to permanently broker any rights.

To assist the Commission in monitoring this program, Transwestern proposes that each FTS–1 Shipper that participates should be required to file with the Commission every 60 days during the first six months of the program, quarterly during the next 18 months and annually thereafter the following information:

(a) The name and address of the FTS–1 Shipper;

(b) The corporate affiliation between Transwestern and the FTS–1 Shipper and between the FTS–1 Shipper and the third party using the capacity of the FTS–1 Shipper;

(c) A description of the specific rights brokered or rebrokered, including term, receipt and delivery points, quality of service (firm or interruptible) and volume;

(d) The price paid for those rights;

(e) The amount of transportation used; and

(f) The docket number in which such entity received Commission authorization to broker capacity.

Comment date: July 26, 1990, in accordance with the first subparagraph of Standard Paragraph F at the end of this notice.

2. United Gas Pipe Line Co.

[Docket Nos. CP90–1631–000, CP90–1632–000, CP90–1633–000, and CP90–1634–000

July 5, 1990.

Take notice that on June 27, 1990, United Gas Pipe Line Company (United), Post Office Box 1478, Houston, Texas 77251, filed in the respective dockets prior notice request pursuant to §§ 157.205 and 284.223 of the Commission's Regulations under the Natural Gas Act for authorization to transport natural gas on behalf of various shippers under its blanket certificate issued in Docket No. CP88–6–000, pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the prior notice requests which are on file with the Commission and open to public inspection.[1]

A summary of each transportation service which includes the shippers identity, the peak day, average day and annual volumes, the receipt point(s), the delivery point(s), the applicable rate schedule, and the docket number and service commencement date of the 120-day automatic authorization under § 284.223 of the Commission's Regulations is provided in the attached appendix.

Comment date: August 20, 1990, in accordance with Standard Paragraph G at the end of this notice.

[1] These prior notice requests are not consolidated.

Docket number (date filed)	Applicant	Shipper name	Peak day [1] average annual	Points of		Start up date rate schedule	Related [2] dockets
				Receipt	Delivery		
CP90-1631-000 (6-27-90)	United Gas Pipe Line Company, P.O. Box 1478, Houston, TX 77251-1478.	Kerr-McGee Corporation.	92,700 92,700 33,835,500	LA, MS	LA, AL, MS	5-1-90, Interruptible..	CP88-6-000 ST90-3416-000
CP90-1632-000 (6-27-90)	United Gas Pipe Line Company, P.O. Box 1478, Houston, TX 77251-1478.	Entrade Corporation.	103,000 103,000 37,595,000	TX, LA, MS, AL	LA, MS, AL, FL, TX	5-24-90, Interruptible.	CP88-6-000 ST90-3418-000
CP90-1633-000 (6-27-90)	United Gas Pipe Line Company, P.O. Box 1478, Houston, TX 77251-1478.	Amoco Production Company.	51,500 51,500 18,797,500	TX	LA, TX, MS	5-29-90, Interruptible.	CP88-6-000 ST90-3417-000
CP90-1634-000 (6-27-90)	United Gas Pipe Line Company, P.O. Box 1478, Houston, TX 77251-1478.	Texaco Gas Marketing Inc.	33,996 33,996 12,408,540	TX	MS, TX	5-1-90, Firm Basis ..	CP88-6-000 ST90-3390-000

[1] Quantities are shown in MMBtu unless otherwise indicated.
[2] The CP docket corresponds to applicant's blanket transportation certificate. If an ST docket is shown, 120-day transportation service was reported in it.

3. Southern Natural Gas Co.

[Docket No. CP90-1644-000]

July 5, 1990.

Take notice that on June 28, 1990, Southern Natural Gas Company (Southern), Post Office Box 2563, Birmingham, Alabama 35202-2563, filed in Docket No. CP90-1644-000 a request pursuant to §§ 157.205 and 284.223 of the Commisison's Regulations for authorization to transport natural gas for Louis Dreyfus Energy Corporation (Shipper), a marketer, under Southern's blanket certificate issued in Docket No. CP88-316-000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Southern proposes to transport on an interruptible basis up to 100,000 MMBtu of natural gas on a peak day, 10 MMBtu on an average day and 3,650 MMBtu on an annual basis for Shipper. Southern states that it would perform the transportation service for Shipper under Southern's Rate Schedule IT. Southern indicates that it would transport the gas from numerous receipt points to several delivery points in Georgia.

It is explained that the service commenced May 5, 1990, under the automatic authorization provisions of § 284.223 of the Commission's Regulations, as reported in Docket No. ST90-3024. Southern indicates that no new facilities would be necessary to provide the subject service.

Comment date: August 20, 1990, in accordance with Standard Paragraph G at the end of this notice.

4. Tennessee Gas Pipeline Co.

[Docket No. CP90-1616-000]

July 5, 1990.

Take notice that on June 26, 1990, Tennessee Gas Pipeline Company (Tennessee), P.O. Box 2511, Houston, Texas 77252, filed in Docket No. CP90-1616-000, a request pursuant to §§ 157.205 and 157.216 of the Commission's Regulations under the Natural Gas Act, to abandon approximately 1,927 feet of 4.5-inch O.D. delivery line to the City of Holyoke, Massachusetts (City of Holyoke), all as more fully set forth in the request on file with the Commission and open to public inspection.

Tennessee states that it is requesting to abandon the portion of line (260A-300) because it has not been used since 1967 and is located downstream of a present meter site. Tennessee indicates that it previously used this portion of the line to deliver gas to the City of Holyoke when the current meter station was located at the end of line 260A, but due to highway construction the meter station was moved downstream.

Comment date: August 20, 1990, in accordance with Standard Paragraph G at the end of this notice.

5. Tennessee Gas Pipeline Co.

[Docket No. CP90-1635-000]

July 5, 1990.

Take notice that on June 28, 1990, Tennessee Gas Pipeline Company, (Tennessee), P.O. Box 2511, Houston, Texas 77252, filed in Docket No. CP90-1635-000, a request pursuant to §§ 157.205 and 157.212 of the Commission's Regulations under the Natural Gas Act, to construct and operate a new delivery point for deliveries of natural gas to Northern Utilities, Inc., (Northern) in Salem, New Hampshire, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Tennessee states that the new delivery point would enable Granite State to provide off-system service to Northern so that Northern may provide natural gas service to customers in the Towns of Salem and Pelham, New Hampshire. Tennessee also states that the additional facilities required to effectuate the additional delivery point would cost approximately $284,000, and that total volumes delivered to Granite State after approval of this request will not exceed presently authorized volumes.

Comment date: August 20, 1990, in accordance with Standard Paragraph G at the end of this notice.

6. ANR Pipeline Co.

[Docket Nos. CP90-1655-000, CP90-1656-000, and CP90-1657-000]

July 5, 1990.

Take notice that on July 2, 1990, ANR Pipeline Company (ANR), 500 Renaissance Center, Detroit, Michigan 48243, filed requests with the Commission in Docket Nos. CP90-1655-000, CP90-1656-000, and CP90-1657-000 [2] pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (NGA) for authorization to transport natural gas

[2] These prior notice requests are not consolidated.

for Phelps Dodge Magnet Wire Co. (Phelps), Santanna Natural Gas Corp. (Santanna), shipper, and Gulf Ohio Corp. (Gulf Ohio), respective natural gas shippers under the blanket certificate issued in Docket No. CP88-532-000 pursuant to section 7 of the NGA, all as more fully set forth in the request which is open to public inspection.

ANR proposes a firm natural gas transportation service under its FERC Rate Schedule FTS-1 for Phelps and interruptible transportation service under its FERC Rate Schedule ITS for Santanna and Gulf Ohio. ANR has also provided other information applicable to these proposed natural gas transportation transactions, including the peak day, average day, and annual volumes; service initiation dates; the related docket numbers of the 120-day transactions under § 284.223(a) of the Regulations; receipt points; and delivery points, as summarized in the attached appendix.

Comment date: August 20, 1990, in accordance with Standard Paragraph G at the end of this notice.

Appendix

Docket No.	Shipper	Volumes—MMBtu (peak, average annual)	ST docket start up date	Receipt points (state)	Delivery points (state)
CP90-1655-000	Phelps Dodge Magnet Wire Co	700 700 255,500	ST90-3144, 5-1-90.	LA, OFF LA	IN
CP90-1656-000	Santanna Natural Gas Corp.	150,000 150,000 54,750,000	ST90-3142, 5-1-90.	MI, WI	MI
CP90-1657-000	Gulf Ohio Natural Corp.	5,000 5,000 1,825,000	ST90-3148, 5-1-90.	KS, LA, OFF LA, OK, TX, OFF TX.	IN

7. Tennessee Gas Pipeline Co.

[Docket No. CP 90-1636-0000]

Tennessee Gas Pipeline Co.

[Docket No. CP 90-1637-000]

Arkla Energy Resources, a division of Arkla, Inc.

[Docket No. CP 90-1638-000]

July 5, 1990.

Take notice that the above referenced companies (Applicants) filed in the respective dockets prior notice requests pursuant to §§ 157.205 and 284.223 of the Commission's Regulations under the Natural Gas Act for authorization to transport natural gas on behalf of various shippers under the blanket certificates issued pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the prior notice requests which are on file with the Commission and open to public inspection.[3]

Information applicable to each transaction, including the identity of the shipper, the type of transportation service, the appropriate transportation rate schedule, the peak day, average day and annual volumes, and the initiation service dates and related docket numbers of the 120-day transactions under Section 284.223 of the Commission's Regulations, has been provided by the Applicants and is summarized in the attached appendix.

Applicants state that each of the proposed services would be provided under an executed transportation agreement, and that Applicants would charge the rates and abide by the terms and conditions of the referenced transportation rate schedules.

Comment date: August 20, 1990, in accordance with Standard Paragraph G at the end of this notice.

[3] These prior notice requests are not consolidated.

Docket number (date filed)	Applicant	Shipper	Peak day [2] average annual	Points of receipt	Points of delivery	Start up date (rate schedule)	Related dockets [3]
CP90-1636-000 (6-28-90)	Tennessee Gas Pipeline Company, P.O. Box 2511, Houston, Texas 77252.	Midcon Marketing Corporation.	400,000 Dth 400,000 Dth 146,000,000 Dth	Various	Various	5-1-90 (IT)	CP87-115-000, ST90-3128-000.
CP90-1637-000 (6-28-90)	Tennessee Gas Pipeline Company, P.O. Box 2511, Houston, Texas 77252.	Equitable Resources Marketing Company.	300,000 Dth 300,000 Dth 109,500,000 Dth	Various	Various	5-23-90 (IT)	CP87-115-000, ST90-3530-000.
CP90-1638-000 (6-28-90)	Arkla Energy Resources, a division of Arkla, Inc. 525 Milam Street Shreveport, Louisiana 71151.	Amoco Energy Trading Corporation.	50,000 50,000 18,250,000	Various	OK, TX	5-1-90 (FT)	CP88-820-000, ST90-3426-000.

[2] Quantities are shown in MMBtu unless otherwise indicated.
[3] The CP docket corresponds to applicant's blanket transportation certificate. If an ST docket is shown, 120-day transportation service was reported in it.

8. United Gas Pipe Line Co.

[Docket No. CP 90-1664-000]

July 6, 1990.

Take notice that on July 3, 1990, United Gas Pipe Line Company (United), Post Office Box 1478, Houston, Texas 77251-1478, filed in Docket No. CP90-1664-000 a request pursuant to §§ 157.205 and 157.211 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205 and 157.211) for authorization to operate certain facilities so as to establish a new delivery point to an existing customer, South Coast Corporation (South Coast), all as more fully set forth in the request which is on file with the Commission and open to public inspection.

United states that it installed a meter station located in Lafourche Parish, Louisiana under authorization issued in Docket No. CP71-89 to serve Valentine Sugars, Inc., a local end user. United indicates that it abandoned in place the meter station by order issued January 22, 1988, in Docket No. CP87-200-000. United now proposes to reactivate the existing meter station for the delivery of an estimated 1,500 Mcf per day of natural gas to South Coast who would sell the gas to Valentine Pulp and Paper Company and Valentine Sugars, Inc.

United states that the increased volumes would not result in an increase in South Coast's aggregate base requirements or contractual maximum daily quantities. United states that it has sufficient capacity to render the proposed service without detriment or disadvantage to its other existing customers and that its tariff does not prohibit the addition of new delivery points.

Comment date: August 20, 1990, in accordance with Standard Paragraph G at the end of this notice.

9. U-T Offshore System

[Docket Nos. CP 90-1651-000, [4] CP90-1652-000, and CP90-1653-000]

July 6, 1990.

Take notice that on June 29, 1990, U-T Offshore System (U-TOS), P.O. Box 1396, Houston, Texas 77251, filed in the above referenced dockets, prior notice requests pursuant to §§ 157.205 and 284.303 of the Commission's Regulations under the Natural Gas Act for authorization to transport natural gas on behalf of various shippers under the blanket certificate issued in Docket Nos. RM88-14-001 and RM88-15-000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the prior notice requests which are on file with the Commission and open to public inspection and in the attached appendix.

Information applicable to each transaction including the identity of the shipper, the type of transportation service, the appropriate transportation rate schedule, the peak day, average day and annual volumes, and the docket numbers and initiation dates of the 120-day transactions under Section 284.223 of the Commission's Regulations has been provided by U-TOS and is included in the attached appendix.

U-TOS also states that it would provide the service for each shipper under an executed transportation agreement, and that U-TOS would charge rates and abide by the terms and conditions of the referenced transportation rate schedule(s).

Comment date: August 20, 1990, in accordance with Standard Paragraph G at the end of this notice.

[4] These prior notice requests are not consolidated.

Docket number	Shipper name	Peak day [1] average, annual	Points of		Start up date rate schedule	Related dockets [2]
			Receipt	Delivery		
CP90-1651-000	BP Gas, Inc	41,360 41,360 15,096,400	Off. LA	LA	5/1/90, FT	ST90-3479-000.
CP90-1652-000	Santa Fe Minerals, Inc	32,367 32,367 11,813,955	Off. LA	LA	5/1/90, FT	ST90-3480-000.
CP90-1653-000	PSI, Inc	134,997 134,997 49,273,905	Off. LA	LA	5/1/90, FT	ST90-3481-000.

[1] Quantities are shown in Mcf unless otherwise indicated.
[2] The CP docket corresponds to applicant's blanket transportation certificate. If an ST docket is shown, 120-day transportation service was reported in it.

10. ANR Pipeline Co.

Docket No. CP90-1662-000]

ANR Pipeline Co.

[Docket No. CP90-1663-000]

Transcontinental Gas Pipe Line

[Docket No. CP90-1665-000]

Northern Natural Gas Co., Division of Enron Corp.

[Docket No. CP90-1666-000]

July 6, 1990.

Take notice that the above referenced companies (Applicants) filed in respective dockets prior notice requests pursuant to §§ 157.205 and 284.223 of the Commission's Regulations under the Natural Gas Act for authorization to transport natural gas on behalf of various shippers under blanket certificates issued pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the prior notice requests which are on file with the Commission and open to public inspection.[5]

Information applicable to each transaction including the identity of the shipper, the type of transportation service, the appropriate transportation rate schedule, the peak day, average day, and annual volumes, and the docket numbers and initiation dates of the 120-day transactions under § 284.223 of the Commission's Regulations has been provided by the Applicants and is included in the attached appendix.

The Applicants also state that each would provide the service for each shipper under an executed transportation agreement, and that the Applicants would charge rates and abide by the terms and conditions of the referenced transportation rate schedules.

Comment date: August 20, 1990, in accordance with Standard Paragraph G at the end of this notice.

[5] These prior notice requests are not consolidated.

Docket number (date filed)	Applicant	Shipper name	Peak day [1] average annual	Points of— receipt	Points of— delivery	Startup date, rate schedule	Related [2] dockets
CP90-1662-000, 7-3-90	ANR Pipeline Company.	Santanna Natural Gas Corp.	50,000 50,000 18,250,000	Off. TX, TX, LA Off. LA, OK, KS, MI, WI.	IN, IA	5-3-90, ITS	ST90-3223-000
CP90-1663-000, 7-3-90	ANR Pipeline Company.	Santanna Natural Gas Corp.	100,000 100,000 36,500,000	Off. TX, TX, LA, Off. LA, OK, KS, Mi, WI.	WI, MI	5-3-90, ITS	ST90-3224-000
CP90-1665-000, 7-3-90	Transcontinental Gas Pipe Line Corp.	Joseph Energy, Inc.	30,000 3,000 10,950,000	Off. LA	On. LA	5-4-90, IT	ST90-3255-000
CP90-1666-000, 7-3-90	Northern Natural Gas Company.	Enron Gas Marketing, Inc.	100,000 75,000 36,500,000	OK, TX, KS, NM, IA, SD, MN.	TX	4-25-90, IT-1	ST90-3026-000

[1] Quantities are shown in MMBtu unless otherwise indicated.
[2] The CP docket corresponds to applicant's blanket transportation certificate. If an ST docket is shown, 120-day transportation service was reported in it.

11. ANR Pipeline Co.

[Docket No. CP90-1645-000]

ANR Pipeline Co.

[Docket No. CP90-1646-000]

Questar Pipeline Co.

[Docket No. CP90-1647-000]

July 6, 1990.

Take notice that on June 29, 1990, the above listed companies filed in the respective dockets prior notice requests pursuant to §§ 157.205 and 284.223 of the Commission's Regulations under the Natural Gas Act for authorization to transport natural gas on behalf of various shippers under their blanket certificates issued pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the prior notice requests which are on file with the Commission and open to public inspection.[6]

A summary of each transportation service which includes the shipper's identity, the peak day, average day and annual volumes, the receipt point(s), the delivery point(s), the applicable rate schedule, and the docket number and service commencement date of the 120-day automatic authorization under § 284.223 of the Commission's Regulations is provided in the attached appendix.

Comment date: August 20, 1990, in accordance with Standard Paragraph G at the end of this notice.

Docket number (date filed)	Applicant	Shipper name	Peak day [1] average annual	Points of Receipt	Points of Delivery	Start up date rate schedule	Related dockets[2]
CP90-1645-000 (6-29-90)	ANR Pipeline Company.	Steelcase, Inc.	8,486Dth. 8,486Dth. 3,097,390Dth.	Offshore LA, LA, Offshore TX.	MI	5-1-90, ITS	CP88-532-000, ST90-3150-000.
CP90-1646-000 (6-29-90)	ANR Pipeline Company.	Schreier, Malting Company.	500Dth. 500Dth. 182,500Dth.	Offshore LA, LA	WI	5-1-90, ITS	CP88-532-000, ST90-3145-000.
CP90-1647-000 (6-29-90)	Questar Pipeline Company.	Amoco Production Company.	80,000 60,000 21,900,000	WY, UT	WY, UT	5-16-90, T-2	CP88-650-000, ST90-3203-000.

[1] Quantities are shown in MMBtu unless otherwise indicated.
[2] The CP docket corresponds to applicant's blanket transportation certificate. If an ST docket is shown, 120-day transportation service was reported in it.

12. Transcontinental Gas Pipe Line Corp.

[Docket No. CP89-7-007]

July 6, 1990.

Take notice that on June 22, 1990, Transcontinental Gas Pipe Line Corporation (Applicant), Post Office Box 1396, Houston, Texas 77251, filed in Docket No. CP89-7-007, pursuant to section 7(c) of the Natural Gas Act, a petition to amend the certificate authorization issued by the Federal Energy Regulatory Commission (Commission) in the captioned docket on July 27, 1989.[7] Applicant states that the purpose of the petition is to obtain Commission authorization for (1) a minor route adjustment to the 42-inch Mainline Loop certificated by the Commission; and (2) a revision of the SS-2 rates to reflect increased costs associated with the pipeline re-route.[8] In addition, Applicant requests that the Commission expeditiously grant the amended authorization sought herein so that the pipeline can complete construction of facilities necessary to provide firm storage withdrawal service to the SS-2 customers at full contract levels commencing November 1, 1990, all as more fully set forth in their petition to amend which is on file with the Commission and open to public inspection.

On July 27, 1989, the Commission issued a certificate of public convenience and necessity which, *inter alia*, authorized Transco to provide a new firm storage service to eight customers under a new Rate Schedule SS-2 for a term of fifteen years. The Commission authorized Transco to construct and operate the following pipeline facilities in the states of New Jersey and Pennsylvania necessary to render the firm storage service:

1. 3.43 miles of 30-inch pipeline loop from Leidy M.P. 190.63 to M.P. 194.06;
2. 3.39 miles of 36-inch pipeline loop from Leidy M.P. 68.96 to Wilkes-Barre Loop M.P. 3.39;
3. 10.72 miles of 36-inch pipeline loop from Leidy M.P. 42.78 to M.P. 52.51;

[6] These prior notice requests are not consolidated.

[7] Order Issuing Certificates and Approving Abandonment, issued on July 27, 1989, in *Transcontinental Gas Pipe Line Corporation*, Docket Nos. CP89-7-000, *et al.*, 48 FERC ¶ 61,121.

[8] In the Commission's order, the Mainline Loop is described as "3.86 miles of 42-inch pipeline loop on Transco's mainline from M.P. 1790.84 to M.P. 1794.70."

4. piping modifications at the Leidy Storage Field at the proposed new interconnection with National Fuel Gas Supply Corporation in Pennsylvania;

5. 3.86 miles of 42-inch pipeline loop on Transco's mainline from M.P. 1,790.84 to M.P. 1,794.70 (hereinafter referred to as the "Mainline Loop"); and

6. 4.56 miles of 20-inch pipeline loop on Transco's Woodbury Lateral from M.P. 14.28 to M.P. 18.84.

Applicant states that the purpose of this petition is to obtain Commission authorization for a proposed re-routing of the southernmost portion of the certificated 42-inch Mainline Loop. Environmental condition Number 18 of the Commission's July 27, 1989, order provides:

Transco shall conduct an engineering examination of the alternative of routing the southeastern end of the Mainline Loop north along Farrington Boulevard to the PSE&G right-of-way and then along the powerline (boring where prudent and needed by the topography to minimize cut-and-fill) leaving the right-of-way to cross Sucker Brook after the crossing of Hoover Drive. Transco shall provide its analysis to the Director of OPPR to determine: (a) the feasibility of this route and (b) if Transco shall be required to use it.

In accordance with such condition, Applicant conducted its analysis of the alternate route and submitted the results to the Director of The Office of Pipeline and Producer Regulation (OPPR) on April 3, 1990. Applicant states that it identified a number of technical as well as right-of-way problems associated with the alternative route. In the process of conducting its analysis and in consultation with landowners and public officials within the State of New Jersey, Applicant states that it identified the Mainline Loop re-route proposed herein which it believes represents a superior alternative to either the certificated route or the alternative identified in the Commission's order from an engineering, construction, safety, environmental and maintenance perspective. In addition, unlike the certificated route, Applicant states that the proposed re-route will enable the company to avoid constructing its pipeline through the backyards of local residents.

The proposed re-route would deviate from the certificated route for only approximately the first 2,600 feet of the 3.86 miles of Mainline Loop. Applicant states that the proposed re-route would commence at Transco's Milltown Regulator Station, continue through Farrington Lake Park (North Brunswick Township), proceed in a northerly direction on Brock Drive (Borough of Milltown), to a point just south of Baier Avenue, at which point the pipeline would continue on the electric transmission right-of-way of Public Service Electric and Gas Company (PSE&G). From this point, the Mainline Loop would follow the route that was certificated by the Commission.

Applicant states that the increase in capital costs attributable to the proposed re-route are estimated to be approximately $3.0 million ($11,869,000 as compared to $8,914,000 and will be financed from corporate funds on hand. In all other respects the costs underlying the rates approved by the Commission's order remain unchanged.

Applicant also proposes herein revised incremental rates for the SS–2 storage service based on increased costs associated with the proposed re-route of the Mainline Loop. Applicant states that the revised rates are based on the modified fixed variable rate design methodology and on the cost classification and allocation factors utilized to derive SS–2 rates approved by the Commission's Order of July 27, 1989. Applicant has derived a revised initial monthly demand rate of $3.28 per dt of contract demand and injection and withdrawal charges of $0.1980 and $0.1996 per dt, respectively, for the SS–2 storage service. The rates reflected for the transportation and storage services to be provided to Transco by National Fuel Gas Supply Corporation and Penn-York Energy Corporation are consistent with the Commission's Order of July 27, 1989.

Comment date: July 16, 1990, in accordance with the first subparagraph of Standard Paragraph F at the end of this notice.

13. El Paso Natural Gas Co.

[Docket No. CP90–1650–000]

July 5, 1990.

Take notice that on June 29, 1990, El Paso Natural Gas Company (El Paso), Post Office Box 1492, El Paso, Texas 79978, filed in Docket No. CP90–1650–000 a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to construct and operate an additional delivery point for the delivery of natural gas to Citizens Utilities Company (Citizens) in Santa Cruz County, Arizona, under El Paso's blanket certificate issued in Docket No. CP82–435–000, all as more fully described in the application which is on file with the Commission and open to public inspection.

El Paso states that Citizens is an existing customer, purchasing natural gas from El Paso for resale to consumers in Citizens' Nogales service area located in Santa Cruz County. It is explained that the instant request is for a tap on El Paso's Twin Buttes Sales Lateral for the delivery of 6 Mcf of gas on a peak day (in the third full year of operation) and 6,131 Mcf on an annual basis (in the third full year of operation) to serve an additional consumer for residential and commercial end uses, to commence September 1, 1990. The cost of construction is estimated at $10,000. It is stated that the deliveries would be within Citizens' existing entitlements from El Paso.

Comment date: August 20, 1990, in accordance with Standard Paragraph G at the end of this notice.

Standard Paragraphs

F. Any person desiring to be heard or make any protest with reference to said filing should on or before the comment date file with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this filing if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for the applicant to appear or be represented at the hearing.

G. Any person or the Commission's staff may, within 45 days after the issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18

CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefore, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the Natural Gas Act.

Lois D. Cashell,

Secretary.

[FR Doc. 90-16344 Filed 7-12-90; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP88-256-006]

West Texas Gas, Inc.; Filing

July 6, 1990.

Take notice that on June 29, 1990, West Texas Gas, Inc. (WTG) filed Twentieth Revised Sheet No. 3a to its FERC Gas Tariff, Original Volume No. 1, proposed to be effective July 1, 1990. Twentieth Revised Sheet No. 3a was filed by WTG in compliance with the Commission's order issued June 8, 1990, in Docket No. RP88-256-000 approving a rate case settlement affecting, among other things, WTG's base tariff rates.

In its June 29 compliance filing, WTG also seeks waiver of the Commission's regulations governing notice of tariff changes in order to make WTG's new tariff rates effective July 1, 1990. Such waiver would permit the changes in WTG's base tariff rates to coincide with the effectiveness of changes in WTG's current adjustment under its quarterly purchased gas adjustment filing in Docket No. TQ90-3-35, which was approved by letter order on June 26, 1990. WTG states that a coincidental change in its rates will avoid customer confusion and the administrative burdens associated with separate, close-in-time adjustments to its tariff rates owing to separate base rate and PGA adjustments.

WGT states that copies of the filing were served upon WTG's customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before July 13, 1990. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Persons that are already parties to this proceeding need not file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 90-16345 Filed 7-12-90; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA90-1-22-000 and RP90-141-000]

CNG Transmission Corp.; Proposed Changes in FERC Gas Tariff

July 6, 1990.

Take notice that CNG Transmission Corporation ("CNG"), on July 2, 1990, pursuant to section 4 of the Natural Gas Act, part 154 of the Commission's regulations (18 CFR part 154), and section 12 of the General Terms and Conditions of CNG's tariff, filed the following revised tariff sheet to First Revised Volume No. 1 of its FERC Gas Tariff:

First Revised Sheet No. 31
First Revised Sheet No. 223
Original Sheet No. 223A
Original Sheet No. 223B
Original Sheet No. 223C
Original Sheet No. 223D
First Revised Sheet No. 224

The primary filing would decrease CNG's RQ/CD commodity rate by 25.55 cents per dekatherm, increase the D-1 demand rate by 22 cents per dekatherm, and decrease the D-2 demand rate by 4.24 cents per dekatherm from the rates shown on Nineteenth Revised Sheet No. 31. Other rates will change correspondingly. The filing, CNG's regulary scheduled annual PGA, is tendered to become effective on September 1, 1990.

CNG states that copies of the filing were served upon CNG's sales customers as well as interested state commissions.

Any person desiring to be heard or to protest said filing should file a protest or motion to intervene with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with Rules 214 and 211 of the Commission's Rules of Practice and Procedure (18 CFR §§ 385.214 and 385.211). All motions or protests should be filed on or before July 26, 1990, in Docket No. TA90-1-22-000 and July 13, 1990 in Docket No. RP90-141-000. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 90-16345 Filed 7-12-90; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. RP90-70-001]

Equitrans, Inc.; Proposed Changes in FERC Gas Tariff

July 6, 1990.

Take notice that on June 29, 1990, Equitrans, Inc. (Equitrans) filed a motion to place its suspended rates in this proceeding into effect on July 1, 1990, and tendered for filing the revised tariff sheets to its FERC Gas Tariff listed in Appendix A attached to the filing.

The revised filing is being made in accordance with ordering paragraph (A) of the of the Commission's order issued January 31, 1990 in these proceedings, section 4 of the Natural Gas Act, and § 154.67(a) of the Commission's Regulations. The revised sheets reflect Equitrans' currently effective PGA tracking filing with the exception that Account Nos. 858 and 813 cost have been reclassified as non-gas costs as required by the Commission's Suspension Order.

Equitrans requests waiver of any applicable notice or other provisions of the Commission's Regulations to accept the tariff sheets as proposed.

Equitrans states that copies of this filing were served by the Company upon each of its wholesale customers, interested state commissions and to each of the parties set forth on the Official Service List in these proceedings.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, Union Center Plaza Building, 825 North Capitol Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such motions or protests should be filed on or before July 13, 1990. Protests will be considered by the Commission in determining appropriate actions to be taken, but will not serve to make protestants parties to the proceeding. Persons that are already

parties to this proceeding need not file a motion to intervene in this matter. Copies of Equitrans' filing are on file with the Commission and are available for public inspection.

Linwood A. Watson, Jr.,

Acting Secretary.

FR Doc. 90-16346 Filed 7-12-90; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP90-142-000]

Florida Gas Transmission Co.; Petition for Limited Waiver of Tariff Provisions

July 6, 1990.

Take notice that on July 5, 1990, Florida Gas Transmission Company (FGT), 1400 Smith Street, Houston, Texas 77002, filed in Docket No. RP90-142-000 a petition requesting authorization for a limited waiver of section 4 (Minimum Bill) of FGT's Rate Schedule G on behalf of the Utilities Board of the City of Florala, Alabama; Geneva County Gas District; Indiantown Gas Company; and Miller Gas Company.

FGT states that these customers have requested relief from the Rate Schedule G minimum bill for the contract years October 1, 1987 to September 30, 1988 and October 1, 1988 to September 30, 1989 because they were unable to take the minimum annual quantities under their service agreements during those years for reasons stated to be beyond their control.

Any person desiring to be heard or to protest to said petition should on or before July 16, 1990 file with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, a motion to intervene or protest in accordance with §§ 385.214 and 385.211 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Protests will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene in accordance with the Commission's rules.

Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 90-16352 Filed 7-12-90; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TQ90-4-46-000]

Kentucky West Virginia Gas Co.; Proposed Change in FERC Gas Tariff

July 6, 1990.

Take notice that Kentucky West Virginia Gas Company (Kentucky West) on July 2, 1989, tendered for filing with the Federal Energy Regulatory Commission (Commission) a quarterly PGA filing, which includes Eighteenth Revised Sheet No. 41 to its FERC Gas Tariff, Second Revised Volume No. 1, to become effective August 1, 1990. The revised tariff sheet reflects no change in the average cost of purchased gas resulting in a Weighted Average Cost of Gas of $2.0590. It also reflects a Deferred Gas Cost Adjustment of ($.0016) in accordance with the Federal Energy Regulatory Commission's regulations.

Kentucky West states that, effective August 1, 1990, pursuant to its obligations under various gas purchase contracts, it has specified a total price of $2.0692 per dth, inclusive of all taxes and any other production-related cost add-ons that it would pay under these contract

Kentucky West states that, by its filing, or any request or statement made therein, it does not waive any rights to collect amounts, nor the right to collect carrying charges applicable thereto, to which it is entitled pursuant to the mandate of the United States Court of Appeals for the fifth Circuit issued on March 6, 1986, in *Kentucky West Virginia Gas Co.* v. *FERC,* 780 F.2d 1231 (5th Cir. 1986), or to which it becomes entitled pursuant to any other judicial and/or administrative decisions.

Kentucky West states that a copy of its filing has been served upon each of its jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with §§ 385.211 and 385.214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before July 13, 1990. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 90-16347 Filed 7-12-90; 8:45 a.m.]

BILLING CODE 6717-01-M

[Docket No. RP88-228-000]

Tennessee Gas Pipeline Co.; Informal Settlement Conference

July 6, 1990.

Take notice that, at the request of Tennessee Gas Pipeline Company, a conference will be convened in this proceeding on July 18, 1990 at 10:30 a.m., at the offices of the Federal Energy Regulatory Commission, 810 First Street NE., Washington, DC, for the purpose of exploring the possible settlement of several issues remaining in this proceeding.

Any party, as defined by 18 CFR 385.102(c), or any participant as defined by 18 CFR 385.102(b) is invited to attend. Persons wishing to become a party must move to intervene and receive intervenor status pursuant to the Commission's regulations (18 CFR 385.214).

For additional information, contact Dennis H. Melvin (202) 208-0042.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 90-16353 Filed 7-12-90; 8:45 am]

BILLING CODE 6717-01-M

ENVIRONMENTAL PROTECTION AGENCY

[FRL-3810-1]

California State Motor Vehicle Pollution Control Standards: Amendments Within the Scope of Previous Waivers of Federal Preemption; Summary of Determination

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of scope of waiver of federal preemption.

SUMMARY: The California Air Resources Board (CARB) has notified EPA that it has adopted amendments to its in-use vehicle emission-related recall procedures, failure reporting procedures, and enforcement test procedures. These amendments apply to 1982 and subsequent model-year passenger cars, light-duty trucks, medium-duty vehicles, heavy-duty vehicles and engines, and motorcycles. I find these amendments to be within the scope of previous waivers

of Federal preemption granted to California for its exhaust emission standards.

DATES: Any objections to the findings in this notice must be filed by August 13, 1990. Otherwise, at the expiration of this 30-day period, these findings will become final. Upon receipt of any timely objection, EPA will consider scheduling a public hearing to reconsider these findings in a subsequent **Federal Register** notice.

ADDRESSES: Any objection to the findings in this notice should be filed with Mr. Charles N. Freed, Director, Manufacturers Operations Division (EN-340F), U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460.

Copies of the California amendments at issue in this notice, a decision document containing an explanation of EPA's determination, and documents used in arriving at this determination are available for public inspection during normal working hours (8:30 a.m. to noon and 1:30 p.m. to 3:30 p.m.) at the Environmental Protection Agency, Air Docket (Docket A-90-05), room M1500—first floor Waterside Mall, 401 M Street, SW., Washington, DC 20460. Copies of the decision document can be obtained from EPA's Manufacturers Operations Division by contacting Ms. Raburn as noted below.

FOR FURTHER INFORMATION CONTACT: Janice Raburn, Attorney/Advisor, Manufacturers Operations Division (EN-340F), U.S. Environmental Protection Agency, Washington, DC 20460, (202) 475-8657.

SUPPLEMENTARY INFORMATION: I have determined that CARB's amendments are within the scope of waivers of Federal preemption previously granted pursuant to section 209(b) of the Clean Air Act, as amended ("Act").[1] Specifically, the amendments include provisions to:

1. Require manufacturers to submit failure reports based on warranty claims for emission-related components;
2. Establish recall liability when emission-related failures exist in a specified percentage of vehicles in an engine family;
3. Establish provisions for manufacturer in-use testing of vehicles with emission-related failures using deterioration factors in order to overcome the presumption of noncompliance and preclude a recall;
4. Require manufacturers to achieve specified capture rates for influenced and ordered recalls;
5. Establish provisions to support a potential recall enforcement program by the Department of Motor Vehicles.

These amendments do not undermine California's determination that its standards, in the aggregate, are at least as protective as Federal standards, are not inconsistent with section 202(a) of the Act and raise no new issues regarding previous waivers of Federal preemption. Thus, these amendments are within the scope of previous waiver determinations. A full explanation of my determination is contained in a decision document which may be obtained from EPA as noted above.

Since these amendments are within the scope of previous waivers, a public hearing to consider them is not necessary. However, if any party asserts an objection to these findings within 30 days of the date of publication of this notice, EPA will consider holding a public hearing to provide interested persons an opportunity to present testimony and evidence to show that there are issues to be addressed through a section 209(b) waiver determination and that EPA should reconsider its findings. Otherwise, these findings shall become final at the expiration of this 30-day period.

My decision will affect not only persons in California but also the manufacturers located outside the State who must comply with California's requirements in order to sell motor vehicles in California. For this reason, EPA hereby determines and finds, pursuant to section 307(b) of the Act, that this decision is of nationwide scope and effect. Accordingly, judicial review of this action is available only by filing a petition for review in the United States Court of Appeals for the District of Columbia Circuit within 60 days of publication. Under section 307(b)(2) of the Act, the requirements which are the subject of today's notice may not be challenged later in judicial proceedings brought by EPA to enforce these requirements.

This action is not a rule as defined by section 1(a) of Executive Order 12291, 46 FR 13193 (February 19, 1981). Therefore, it is exempt from review by the Office of Management and Budget as required for rules and regulations by Executive Order 12291. Additionally, a Regulatory Impact Analysis is not being prepared under Executive Order 12291 for this "within the scope" determination since it is not a rule.

This action is also not a rule as defined in the Regulatory Flexibility Act, 5 U.S.C. section 601 *et seq.* Therefore, EPA has not prepared a supporting regulatory flexibility analysis addressing the impact of this action on small business entities.

Dated: July 6, 1990.

Michael Shapiro,

Acting Assistant Administrator for Air and Radiation.

[FR Doc. 90-16402 Filed 7-12-90; 8:45 am]

BILLING CODE 6560-50-M

[1] EPA has previously issued waivers of preemption for California's exhaust emission standards. 42 FR 31637 (June 22, 1977); 43 FR 998 (January 5, 1978); 43 FR 1829 (January 12, 1978); 43 FR 15490 (April 13, 1978); 43 FR 25729 (June 14, 1978); and 47 FR 1015 (January 8, 1982).

[AMS-FRL-3810-2]

California State Motor Vehicle Pollution Control Standards; Waiver of Federal Preemption; Notice of Determination

AGENCY: Environmental Protection Agency.

ACTION: Notice regarding waiver of Federal preemption.

SUMMARY: EPA has determined that no waiver of Federal preemption under section 209(b) of the Clean Air Act, as amended, 42 U.S.C. 7543(b) (Act) is required before California can enforce regulations which establish certification fees. They are enforceable without further action by the Administrator.

ADDRESSES: The Agency's determination as well as all documents submitted by the California Air Resources Board are available for public inspection during normal working hours (8 a.m. to noon and 1:30 to 3:30 p.m.) at the Environmental Protection Agency, Air Docket (Docket A-90-12), room M-1500, Waterside Mall, 401 M Street SW., Washington, DC 20460. Copies of the determination can be obtained from EPA's Manufacturers Operations Division by contacting Leila Holmes Cook, as noted below.

FOR FURTHER INFORMATION CONTACT: Leila Holmes Cook, Attorney/Advisor, Manufacturers Operations Division (EN-340F), U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460. Telephone: (202) 382-2526.

SUPPLEMENTARY INFORMATION: I have determined that the California Air Resources Board does not need a waiver of Federal preemption under section 209(b) of the Act to enforce certification fee regulations and that these regulations are enforceable without further action by the Administrator. The regulations apply to passenger cars, light-duty trucks, medium-duty vehicles, heavy-duty gasoline and diesel engines and vehicles, motorcycles and new and used modifier-certified vehicles. Assessment of the fees begins in the 1989-1990 fiscal year and is based on

production totals for the prior calender year.

The regulations are conditions precedent within the meaning of section 209(a) of the Act since they impose conditions upon which the sale, titling or registration of new motor vehicles is contingent; that is, certification fees must be paid before certification for the subsequent model year will be granted, thereby permitting sale. I do not believe that these provisions are standards because they do not limit the quantity or rate of emissions of pollutants. 44 FR 61096 (October 23, 1979). Further, they are not enforcement procedures since they are not criteria designed to determine compliance with applicable emission standards. 43 FR 32183 (July 25, 1978). Therefore, EPA's prior issuance of waivers for the affected classes of vehicles and engines, based on California's standards and/or accompanying enforcement procedures, removes the prohibitions of section 209(a) regarding such conditions precedent for these classes. Hence no waiver under section 209(b) is required for California to enforce the regulations.

My decision will affect not only persons in California but also manufacturers outside the State who must comply with California's requirements in order to produce motor vehicles for sale in California. For this reason, I hereby determine and find that this is a final action of national applicability.

Under section 307(b)(1) of the Act, judicial review of this final action may be sought only in the United States Court of Appeals for the District of Columbia. Petitions for review must be filed by September 11, 1990. Under section 307(b)(2) of the Act, judicial review of this final action may not be obtained in subsequent enforcement proceedings.

This action is not a rule as defined by section 1(a) of Executive Order 12291, 46 FR 13193 (February 12, 1981). Therefore, it is exempt from review by the Office of Management and Budget as required for rules and regulations by Executive Order 12291. Nor is a Regulatory Impact Analysis being prepared under Executive Order 12291 for this determination, since it is not a rule.

In additon, this action is not a rule as defined in the Regulatory Flexibility Act, 5 U.S.C. 601(2). Therefore, EPA has not prepared a supporting regulatory flexibility analysis addressing the impact of this action on small business entities.

Finally, the Administrator has delegated the authority to make determinations regarding waivers of Federal preemption under section 209(b) of the Act to the Assistant Administrator for Air and Radiation.

Dated: July 6, 1990.

Michael Shapiro,

Acting Assistant Administrator for Air and Radiation.

[FR Doc. 90-16403 Filed 7-12-90; 8:45 am]

BILLING CODE 6560-50-M

[ER-FRL-3809-5]

Environmental Impact Statements; Availability

Responsible Agency: Office of Federal Activities, General Information (202) 382-5073 or (202) 382-5075.

Availability of Environmental Impact Statements Filed July 2, 1990 Through July 6, 1990 Pursuant to 40 CFR 1506.9.

EIS No. 900240, Draft, AFS, CA, Mt. Vida Planning Area Integrated Resource Management Plan, Implementation, Modoc National Forest, Warmer Mountain Ranger District, Modoc County, CA. *Due:* August 27, 1990, *Contact:* Douglas Schultz (916) 279-6116.

EIS No. 900241, Final, COE, MS, Gulfport Harbor Deep Draft Navigation Project, Channel Improvements, Implementation, Garrison County, MS *Due:* August 13, 1990, *Contact:* Dr. Susan Ivester Rees (205) 690-2724.

EIS No. 900242, Draft, COE, NJ, DE, PA, Delaware River Comprehensive Navigation Channel Improvement, Beckett Street Terminal in New Jersey Through Philadelphia Harbor, Implementation, Several Counties, NJ, DE, PA, *Due:* August 27, 1990, *Contact:* Jerry J. Pasquale (215) 597-6840.

EIS No. 900243, Final, EPA, TX, MXG, Matagorda Ship Channel Ocean Dredged Material Disposal Site, Designation, Gulf of Mexico, TX, *Due:* August 13, 1990, *Contact:* Norm Thomas (214) 655-2260.

EIS No. 900244, Final, EPA, TX, MXG, Port Mansfield Entrance Channel Ocean Dredged Material Disposal Site Designation, Gulf of Mexico, TX, *Due:* August 13, 1990, *Contact:* Norm Thomas (214) 655-2260.

EIS No. 900245, Final, EPA, TX, MXG, Brazos Island Harbor Entrance Channel Ocean Dredged Material Disposal Site Designation, Gulf of Mexico, TX, *Due:* August 13, 1990, *Contact:* Norm Thomas (214) 655-2260.

EIS No. 900246, DSuppl, FHW, AK, University Avenue Rehabilitation and Widening, College Road to Mitchell Expressway, Original Design Revisions and Hazardous Waste Evaluation, Funding, Right-of-Way Acquisition, North Star Borough, AK *Due:* September 14, 1990, *Contact:* Steve Moreno (907) 586-7428.

EIS No. 900247, Final, COE, NC, Core Creek Bridge Replacement, Atlantic Intercoastal Waterway Bridge, Implementation, Carteret County, NC, *Due:* August 17, 1990, *Contact:* Coleman Long (919) 251-4751.

EIS No. 900248, Final, FHW, MO, Rt-115 Extension, I-70 to MO-94 and Rt-115/I-70 Interchange Construction, Funding and 404 Permit, St. Charles City and St. Peters City, St. Charles County, MO, *Due:* August 13, 1990, *Contact:* Robert G. Anderson (314) 636-7104.

EIS No. 900249, Final, AFS, CA, Bear Mountain Ski Resort Expansion, (formerly Known as Goldmine) San Bernandino National Forest, Special Use Permit and Possible 404 Permit, San Bernandino County, CA, *Due:* August 13, 1990, *Contact:* Thomas W. Fitzwater (714) 250-5555.

EIS No. 900250, FSuppl, NPS, CA, Lassen Volcanic National Park General Management Plan, Traditional Visitor Use, Manzanita Lake Area, Implementation, Butter, Plumas, Lassen, Tehana and Shasta Counties, CA, *Due:* August 13, 1990, *Contact:* Gilbert E. Blinn (916) 596-4444.

Dated: July 10, 1990.

William D. Dickerson,

Deputy Director, Office of Federal Activities.

[FR Doc. 90-16443 Filed 7-12-90; 8:45 am]

BILLING CODE 6560-50-M

[ER-FRL-3809-6]

Environmental Impact Statements and Regulations; Availability of EPA Comments

Availability of EPA comments prepared June 25, 1990 through June 29, 1990 pursuant to the Environmental Review Process (ERP), under section 309 of the Clean Air Act and section 102(2)(c) of the National Environmental Policy Act as amended. Requests for copies of EPA comments can be directed to the Office of Federal Activities at (202) 382-5076.

An explanation of the ratings assigned to draft environmental impact statements (EISs) was published in FR dated April 13, 1990 (55 FR 13949).

Draft EISs

ERP No. D-AFS-K83000-CA, Rating EC2, Plumas National Forest Prototype Project, Augmenting Snow Pack by Cloud Seeding Using Ground Based Dispensers, Implementation, Plumas and Sierra Counties, CA.

Summary:

EPA expressed environmental concerns on potential project impacts to air quality and water quality and requested additional information in the final EIS on these impacts and on enhanced precipitation downwind from the seeding source.

ERP No. D-FHW-F40309-00, Rating EC2, Stillwater-Houlton Transportation System, MN-Trunk Highway-36 and WI-Trunk-Highway-64 Improvements, MN-Trunk-Highway-36 and Washington County State-Aid-Highway-15 to WI-Trunk-Highway-64 near the Croix River Bridge, Funding, US Coast Guard Bridge Permit, COE section 10 and 404 Permits, St. Croix, WI and Washington County, MN.

Summary:

EPA recommended that additional information be provided to demonstrate that the "No Build" alternative has been adequately considered, that wetland impact and mitigation issues are satisfactorily addressed. EPA also recommended that the final EIS include a commitment to provide reasonable noise mitigation.

ERP No. D-FHW-G40127-TX, Rating LO, TX-161 Construction, I-20 to I-635, Funding, Coast Guard section 10 Permit and Possible COE section 404 Permit, Dallas County, TX.

Summary:

EPA has no objection to the proposed action as described.

ERP No. DS-FHW-L40122-ID, Rating LO, Banks-Lowman Highway/ID Forest Highway-24 Improvements, Sweet Creek to Little Gallagher Creek, Funding, Boise County, ID.

Summary:

EPA had no objections to the proposed project. Potential adverse effects to water quality, wildlife populations, and archeological sites should be minimized provided that the mitigation measures described in the draft supplemental EIS are fully implemented.

ERP No. D-USN-K11038-HI, Rating EO2, Pearl Harbor Naval Base Development, Access Improvements and Further Development of Ford Island and Construction of Facilities to Implement the Relocation of Battleship and Cruisers, Implementation, Oahu, HI.

Summary:

EPA expressed environmental objections due to potential impacts to water quality and aquatic life and insufficient information on dredging/disposal activities. EPA stated that the final EIS should: 1) Expand on the results of harbor sediment sampling and bioassay/bioaccumulation studies and the location/volume of sediments to be dredged; 2) characterize all sites on base considered for development and contaminated with hazardous substances; and 3) provide more information on sewage treatment capacity and air quality impacts.

Final EISs

ERP No. F-OSM-K01007-AZ, Black Mesa and Kayenta Coal Mines, Mining and Reclamation Operations Permit, Life-of-Mine Mining Plan and 404 Permit, Hopi and Navajo Reservations, Navajo County, AZ.

Summary:

EPA remains concerned about potential impacts of surface water impoundments and ground water pumping. As a matter of responsible public stewardship, EPA urged OSM to support efforts to identify and implement alternatives to the current slurry pipeline. EPA also recommended that an individual Clean Water Act section 404 permit be required for the project rather than a nationwide permit.

Regulations

ERP No. R-FRC-A05463-00, 18 CFR parts 4, 16, 375, and 380; Regulations Governing Submittal of Proposed Hydropower License Conditions and Other Matters (55 FR 9894).

Summary:

EPA supports the Commission's efforts to revise its hydropower licensing regulations to reflect the requirements of the Electric Consumers Protection Act (ECPA) and to promote a more efficient and balanced hydropower licensing process. Several changes to the proposed rule are needed to ensure that these goals are realized, particularly regarding consideration of resource agency study and license condition recommendations.

ERP No. R-ICC-A86238-00, 49 CFR parts 1105, 1106, 1150, and 1152; Implementation of Environmental Laws (Ex Parte No. 55 (Sub-No. 22A)) (55 FR 11973).

Summary:

EPA expressed concerns about reclassifying or waiving the environmental documentation for proposed actions, and recommended that the requirement be deleted. EPA recommended adding a requirement for determining the appropriateness of a categorical exclusion classification. EPA also expressed concern about the threshold values pertaining to air and noise.

Dated: July 10, 1990.

William D. Dickerson,

Deputy Director, Office of Federal Activities.

[FR Doc. 90-16444 Filed 7-12-90; 8:45 am]

BILLING CODE 6560-50-M

[FRL-3809]

Underground Injection Control Program; Hazardous Waste Disposal Injection Restrictions; Petition for Exemption, Class I Hazardous Waste Injection Waste Water, Inc., Guy, TX

AGENCY: Environmental Protection Agency.

ACTION: Notice of final decision on petition.

SUMMARY: Notice is hereby given that an exemption to the land disposal restrictions under the 1984 Hazardous and Solid Waste Amendments to the Resource Conservation and Recovery Act has been granted to Waste Water, Incorporated, for the Class I injection well located at Guy, Texas. As required by 40 CFR part 148, the company has adequately demonstrated to the satisfaction of the Environmental Protection Agency by petition and supporting documentation that, to a reasonable degree of certainty, there will be no migration of hazardous constitutents from the injection zone for as long as the waste remains hazardous. This final decision allows the underground injection by Waste Water, Incorporated, Inc., of the specific restricted hazardous waste identified in the petition, into the Class I hazardous waste injection well at the Guy, Texas facility specifically identified in the petition, for as long as the basis for granting an approval of the petition remains valid, under provisions of 40 CFR 148.24. As required by 40 CFR 124.10, a public notice was issued March 12, 1990. A public hearing was held April 13, 1990, and a public comment period ended on April 25, 1990. All comments have been addressed and have been considered in the final decision. This decision constitutes final Agency action and there is no Administrative appeal.

DATES: This action is effective as of June 29, 1990.

ADDRESSES: Copies of the petition and all pertinent information relating thereto, including the Agency's response to comments, are on file at the following location: Environmental Protection Agency, Region 6, Water Management Division, Water Supply Branch (6W-SU), 1445 Ross Avenue, Dallas, Texas 75202-2733.

FOR FURTHER INFORMATION CONTACT: Oscar Cabra, Jr., Chief Water Supply Branch, EPA—Region 6, telephone (214) 655-7150, (FTS) 255-7150.

Myron O. Knudson,

Director, Water Management Division (6W).

[FR Doc. 90-16404 Filed 7-12-90; 8:45 am]

BILLING CODE 6560-50-M

[OPTS-59283A; FRL 3774-4]

Certain Chemicals; Approval of a Test Marketing Exemption

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces EPA's approval of an application for test marketing exemption (TME) under section 5(h)(1) of the Toxic Substances Control Act (TSCA) and 40 CFR 720.38. EPA has designated this application as TME-90-11. The test marketing conditions are described below.

EFFECTIVE DATES: July 3, 1990.

FOR FURTHER INFORMATION CONTACT: Rick Keigwin, New Chemicals Branch, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Room E-611, 401 M Street, SW., Washington, DC 20460, (202) 382-2440.

SUPPLEMENTARY INFORMATION: Section 5(h)(1) of TSCA authorizes EPA to exempt persons from premanufacture notification (PMN) requirements and permit them to manufacture or import new chemical substances for test marketing purposes if the Agency finds that the manufacture, processing, distribution in commerce, use, and disposal of the substances for test marketing purposes will not present an unreasonable risk of injury to health or the environment. EPA may impose restrictions on test marketing activities and may modify or revoke a test marketing exemption upon receipt of new information which casts significant doubt on its finding that the test marketing activity will not present an unreasonable risk of injury.

EPA hereby approves TME-90-11. EPA has determined that test marketing of the new chemical substance described below, under the conditions set out in the TME application, and for the time period and restrictions specified below, will not present an unreasonable risk of injury to health or the environment. Production volume, use, and the number of customers must not exceed that specified in the application. All other conditions and restrictions described in the application and in this notice must be met.

The following additional restrictions apply to TME-90-11. A bill of lading accompanying each shipment must state that the use of the substance is restricted to that approved in the TME. In addition, the applicant shall maintain the following records until 5 years after the date they are created, and shall make them available for inspection or copying in accordance with section 11 of TSCA:

1. Records of the quantity of the TME substance produced and the date of manufacture.

2. Records of dates of the shipments to each customer and the quantities supplied in each shipment.

3. Copies of the bill of lading that accompanies each shipment of the TME substance.

TME-90-11

Date of Receipt: May 2, 1990.

Notice of Receipt: May 23, 1990 (55 FR 21244).

Applicant: Gem Urethane Corporation.

Chemical: (G) Aqueous Polyurethane Dispersion.

Use: (G) Finish for leather; bonding and finishing treatment for textiles.

Production Volume: 330,000 kilograms per year.

Number of Customers: (Confidential).

Test Marketing Period: 3 years, commencing on first day of manufacture.

Risk Assessment: EPA identified no significant health or environmental concerns for the test market substance. Therefore, the test market activities will not present an unreasonable risk of injury to health or the environment.

The Agency reserves the right to rescind approval or modify the conditions and restrictions of an exemption should an new information that comes to its attention which casts significant doubt on its finding that the test marketing activities will not present an unreasonable risk of injury to health or the environment.

Dated: July 3, 1990.

John W. Melone,

Director, Chemical Control Division, Office of Toxic Substances.

[FR Doc. 90-16398 Filed 7-12-90; 8:45 am]

BILLING CODE 6560-50-F

FEDERAL MARITIME COMMISSION

Agreement(s) Filed; City of Long Beach/Hanjin Shipping Co.; Terminal Agreement

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, DC Office of the Federal Maritime Commission, 1100 L Street NW., Room 10220. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days after the date of **Federal Register** in which this notice appears. The requirements for comments are found in § 572.603 of title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Agreement No: 224-200256-001

Title: City of Long Beach/Hanjin Shipping Company, Ltd. Terminal Agreement

Parties:

City of Long Beach (City)
Hanjin Shipping Company, Ltd. (Hanjin)

Synopsis: The Agreement amends the parties' basic agreement to provide for the City to relocate seven oil wells situated within Hanjin's assigned premises to accommodate Hanjin's terminal operations.

By Order of the Federal Maritime Commission.

Dated: July 9, 1990.

Joseph C. Polking,

Secretary.

[FR Doc. 90-16334 Filed 7-12-90; 8:45 am]

BILLING CODE 6730-01-M

Performance Review Board; Membership

AGENCY: Federal Maritime Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given of the names of the members of the Performance Review Board.

FOR FURTHER INFORMATION CONTACT: William J. Herron, Jr., Director of Personnel, Federal Maritime Commission, 1100 L Street NW., Washington, DC 20573.

SUPPLEMENTARY INFORMATION: Section 4314(c) (1) through (5) of title 5, U.S.C.

requires each agency to establish, in accordance with regulations prescribed by the Office of Personnel Management, one or more performance review boards. The board shall review and evaluate the initial appraisal of a senior executive's performance by the supervisor, along with any recommendations to the appointing authority relative to the performance of the senior executive.

James J. Carey,

Acting Chairman.

The Members of the Performance Review Board Are

1. Francis J. Ivancie, Commissioner
2. William D. Hathaway, Commissioner
3. Donald Robert Quartel, Jr., Commissioner
4. Ming Hsu, Commissioner
5. Charles E. Morgan, Chief Administrative Law Judge
6. Norman D. Kline, Administrative Law Judge
7. Joseph N. Ingolia, Administrative Law Judge
8. David G. Dye, Counsel to the Chairman
9. Edward P. Walsh, Managing Director
10. Robert D. Bourgoin, General Counsel
11. John Robert Ewers, Director, Bureau of Administration
12. Wm. Jarrel Smith, Jr., Director, Bureau of Investigations
13. Robert A. Ellsworth, Director, Bureau of Economic Analysis
14. Seymour Glanzer, Director, Bureau of Hearing Counsel
15. Robert G. Drew, Director, Bureau of Domestic Regulation
16. Joseph C. Polking, Secretary
17. Bruce A. Dombrowski, Deputy Managing Director
18. Austin L. Schmitt, Director, Bureau of Trade Monitoring

[FR Doc. 90-16333 Filed 7-12-90; 8:45 am]

BILLING CODE 6730-01-M

[Petition No. P3-90]

Standards for Terminal Handling Charges and Other Surcharges

Filing of Petition for Rulemaking

Notice is given that a petition for rulemaking has been filed by the Agriculture Ocean Transportation Coalition, requesting that the Commission promulgate rules which prescribed standards for terminal handling charges and other surcharges. Specifically, petitioner urges adoption of a rule defining "surcharge" to include any charge not included in the rate and charge portions of a tariff and proscribing carriers from imposing a surcharge in excess of the carrier's actual cost.

To faciliate thorough consideration of the petition, interested persons are requested to reply to the petition no later than September 7, 1990. Replies shall be directed to the Secretary, Federal Maritime Commission, Washington, DC 20573-0001, and shall consist of an original and 15 copies. Responses shall also be served on Peter A. Friedmann, Esq., Lindsay, Hart, Neil & Weigler, Counsel for Agriculture Ocean Transportation Council, 1225 Nineteenth Street NW., Suite 200, Washington, DC 20036.

Copies of the petition are available for examination at the Washington, DC office of the Commission, 1100 L Street NW., Room 11101.

By the Commission.

Joseph C. Polking,

Secretary.

[FR Doc. 90-16377 Filed 7-12-90; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Bank South Corp.; Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Unless otherwise noted, comments regarding each of these applications must be received not later than August 6, 1990.

A. Federal Reserve Bank of Atlanta (Robert E. Heck, Vice President) 104 Marietta Street, NW., Atlanta, Georgia 30303:

1. *Bank South Corporation,* Atlanta, Georgia; to merge with Mickler Corporation, Clearwater, Florida, and thereby indirectly acquire The First National Bank of Clearwater, Clearwater, Florida.

2. *The Gadsden Corporation,* Altoona, Alabama; to merge with The Atalla Trust Company, Altoona, Alabama, and thereby indirectly acquire The Exchange Bank, Atalla, Alabama.

B. Federal Reserve Bank of Chicago. (David S. Epstein, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Comerica, Incorporated,* Detroit Michigan; to merge with Plaza Commerce Bancorp, San Jose, California, and thereby indirectly acquire Plaza Bank of Commerce, San Jose, California.

2. *Comerica, Incorporated,* Detroit Michigan; to merge with InBancshares, City of Industry, California, and thereby indirectly acquire Bank of Industry, City of Industry, California.

3. *Plaza Commerce Bancorp,* San Jose, California; to merge with InBancshares, City of Industry, California, and thereby indirectly acquire Bank of Industry, City of Industry, California.

4. *First of America Bank Corporation,* Kalamazoo, Michigan; to acquire up to 100 percent of the voting shares of Trustcorp Bank, Columbus, National Association, Columbus, Indiana.

5. *CNB Bancshares, Inc.,* Evansville, Indiana; to acquire 99.1 percent of the voting shares of Henderson County State Bank, Henderson, Kentucky.

C. Federal Reserve Bank of Kansas City (Thomas M. Hoenig, Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *Lindoe, Inc.,* Ordway, Colorado; to acquire 5.36 percent of the voting shares of Pueblo Bancorporation, Pueblo, Colorado, and thereby indirectly acquire Pueblo Bank and Trust Co., kPueblo, Colorado.

Board of Governors of the Federal Reserve System, July 6, 1990.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 90-16378 Filed 7-12-90; 8:45 am]

BILLING CODE 6210-01-M

Comerica Inc., Acquisition of Company Engaged in Permissible Nonbanking Activities

The organization listed in this notice has applied under § 225.23(a)(2) or (f) of the Board's Regulation Y (12 CFR 225.23(a)(2) or (f)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to acquire or control voting securities or assets of a company engaged in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to

banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than August 6, 1990.

A. **Federal Reserve Bank of Chicago** (David S. Epstein, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Comerica Incorporated,* Detroit, Michigan; to acquire Plaza Realty Advisors, Inc., San Jose, California, and thereby engage in arranging and brokering residential, commercial and construction loans and other extensions of credit, pursuant to § 225.25(b)(1) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, July 6, 1990.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 90-16379 Filed 7-12-90; 8:45 am]

BILLING CODE 6210-01-M

FEDERAL TRADE COMMISSION

[Dkt. C-3291]

Emerson Electric Co., et al.; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Consent order.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order requires, among other things, a Missouri producer of mounted ball bearings to divest McGill Manufacturing Company's mounted ball bearing business to a Commission approved acquirer, within twelve months after the consent order becomes final, or else consent to the appointment of a trustee by the Commission. Respondents are also required to offer to the prospective acquirer a contract to buy from respondents any necessary machinery, equipment and tooling. In addition, respondents are prohibited from selling, for a period of 18 months, mounted ball bearings under the McGill name.

DATES: Complaint and Order issued June 22, 1990.[1]

FOR FURTHER INFORMATION CONTACT: Howard Morse, FTC/S-2308, Washington, DC 20580. (202) 326-2949.

SUPPLEMENTARY INFORMATION: On Friday, February 23, 1990, there was published in the **Federal Register,** 55 FR 6446, a proposed consent agreement with analysis In the Matter of Emerson Electric Co., *et al.,* for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions or objections regarding the proposed form of order.

Comments were filed and considered by the Commission. The Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered an order to divest in disposition of this proceeding.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 7, 38 Stat. 731, as amended; 15 U.S.C. 45, 18)

Benjamin I. Berman,

Acting Secretary.

[FR Doc. 90-16397 Filed 7-12-90; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 90N-0330]

The Kasdenol Corp., et al.; Proposal To Withdraw Approval of New Drug Applications; Opportunity for Hearing

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is providing an opportunity for hearing on a proposal to withdraw approval of five new drug applications (NDA's) because the applicants have failed to submit required annual reports.

DATES: Requests for hearing are due by August 13, 1990; data, information, and analyses relied on to justify a hearing are to be submitted by September 11, 1990.

ADDRESSES: Requests for hearing in response to this notice should be identified with Docket No. 90N-0330, and directed to: Dockets Management Branch (HFA-305), Rm. 4-62, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Ron Lyles, Center for Drug Evaluation and Research, Document Management and Reporting Branch (HFD-53), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4320.

SUPPLEMENTARY INFORMATION: An applicant is required to report periodically to FDA concerning each of its approved NDA's in accordance with 21 CFR 314.81. Although in the past some exemptions from these reporting requirements have been granted, all such exemptions were rescinded (43 FR 20556; May 12, 1978). The holders of the following NDA's have not submitted annual reports and have not responded to the agency's requests by certified mail for submission of the reports:

NDA	Drug name	Applicant's name and address
9-394	Kasdenol Mouthwash or Gargle.	The Kasdenol Corp., Huntington, NY 11743.
10-094	Pepsodent Antiseptic Mouthwash.	Lever Brothers Co., Inc., 390 Park Ave., New York, NY 10022.
11-160	Thorexin Cough Medicine.	The Purdue Frederick Co., 100 Connecticut Ave., Norwalk, CT 06856.
13-077	Xylocaine Suppository.	Astra Pharmaceutical Products, Inc. 50 Otis St., Westborough, MA 01581.
13-397	Ampar SRC	United Pharmaceutical Inc., 1500 N. Wilmut, Tucson, AZ 85712.

Therefore, notice is given to the holders of the new drug applications listed above and to all other interested

[1] Copies of the Complaint and the Decision and Order are available from the Commission's Public Reference Branch, H-130, 6th Street & Pennsylvania Avenue, NW., Washington, DC 20580.

persons that the Director of the Center for Drug Evaluation and Research proposes to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)) withdrawing approval of the new drug applications and all amendments and supplements thereto on the ground that the applicants have failed to submit the reports required under 21 CFR 314.81.

In accordance with section 505 of the act and the regulations promulgated under it (21 CFR parts 310 and 314), the applicants are hereby given an opportunity for a hearing to show why approval of their new drug applications should not be withdrawn and an opportunity to raise, for administrative determination, all issues relating to the legal status of the drug products named above.

An applicant who decides to seek a hearing shall file (1) on or before August 13, 1990, a written notice of appearance and request for hearing, and (2) on or before September 11, 1990, the data, information, and analyses relied on to justify a hearing as specified in 21 CFR 314.200.

The failure of on applicant to file a timely written notice of appearance and request for hearing as required by 21 CFR 314.200 constitutes an election by the applicant not to make use of the opportunity for a hearing concerning the action proposed for the drug product and constitutes a waiver of any contentions about the legal status of the drug product. The drug product may not thereafter lawfully be marketed, and the Food and Drug Administration will begin appropriate regulatory action to remove it from the market. Any new drug product marketed without an approved new drug application is subject to regulatory action at any time.

A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that there is a genuine and substantial issue of fact that justifies a hearing. Reports submitted to remedy the deficiencies must be complete in all respects in accordance with 21 CFR 314.81. If the submission is not complete or if a request for hearing is not made in the required format or with the required reports, the Commissioner of Food and Drugs will enter summary judgment against the person(s) who requests a hearing, making findings and conclusions, and denying a hearing.

All submissions pursuant to this notice must be filed in two copies. Except for information prohibited from public disclosure under 21 U.S.C. 331(j) or 18 U.S.C. 1905, the submissions may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (section 505(e), (21 U.S.C. 355(e)) and under authority delegated to the Director of the Center for Drug Evaluation and Research (21 CFR 5.82).

Dated: June 29, 1990.

Gerald F. Meyer,

Deputy Director, Center for Drug Evaluation and Research.

[FR Doc. 90-16456 Filed 7-12-90; 8:45 am]

BILLING CODE 4160-01-M

Health Care Financing Administration

Public Information Collection Requirements Submitted to the Office of Management and Budget for Clearance

AGENCY: Health Care Financing Adminstration, HHS.

The Health Care Financing Adminstration (HCFA), Department of Health and Human Services, has submitted to the Office of Management and Budget (OMB) the following proposals for the collection of information in compliance with the Paperwork Reduction Act (Pub. L. 96-511).

1. *Type of Request:* Reinstatement; *Title of Information Collection:* Medicare Uniform Institutional Provider Bill; *Form Number:* HCFA-1450; *Use:* The form is used as a claim form by institutional providers of Medicare inpatient and outpatient services; *Frequency:* On occasion; *Respondents:* Business/other for profit; non-profit institutions, and small businesses/organizations; *Estimated Number of Responses:* 82,895,773; *Average Time Per Response:* .5 minute for electronically transmitted claim and 9 minutes for hardcopy (paper) claim; *Total Estimated Burden Hours:* 3,744,125.

2. *Type of Request:* New; *Title of Information Collection:* Request for Part B Medicare Hearing by an Administrative Law Judge; *Form Number:* HCFA-5011B-U6; *Use:* Section 1869 of the Social Security Act was amended to provide for a hearing for an individual who is dissatisfied with the carrier's hearing decision or the amount paid on a Medicare Part B claim. This form is used by the Medicare beneficiary or other qualified appellant to request a hearing by an Administrative Law Judge if the carrier hearing decision fails to satisfy the appellant; *Frequency:* On occasion; *Respondents:* Individuals/households and businesses/other for profit; *Estimated Number of Responses:* 10,000; *Average Time Per Response:* .25; *Total Estimated Burden Hours:* 2,500 hours.

3. *Type of Request:* Reinstatement; *Title of Information Collection:* Request for Part A Medicare Hearing by an Administrative Law Judge; *Form Number:* HCFA-5011A-U6; *Use:* Section 1869 of the Social Security Act Provides for a hearing for an individual who is dissatisfied with the intermediary's Medicare Part A determination or the amount paid. This form is used by the Medicare beneficiary or other qualified appellant to request a hearing by an Administrative Law Judge if the reconsidered determined fails to satisfy the claimant; *Frequency:* On occasion; *Respondents:* Individuals/households and business/other for profit; *Estimated Number of Responses:* 10,000; *Average Hours per Response:* .25; *Total Estimated Burden Hours:* 2,500.

4. *Type of Request:* Extension; *Title of Information Collection:* Home Health Agency Certification and Plan of Treatment Forms; *Form Numbers:* HCFA-485, HCFA-486, HCFA-487, and HCFA-488; *Use:* These are home health agency forms which provide medical data to Medicare fiscal intermediaries. Form HCFA-485 contains the physician's orders and signature; form HCFA-486 describes the patient's condition; form HCFA-487 contains optional data; and form HCFA-487 will be used occasionally by the Medicare fiscal intermediary to collect additonal data; *Frequency:* On occasion; *Respondents:* Businesses/other for profit and small business/organizations; *Estimated Number of Responses:* 6,825,000; *Average Hours per Response:* .25; *Total Estimated Burden Hours:* 1,706,250.

5. *Type of Request:* Revision; *Title of Information Collection:* Information Collection Related to Medicare as a Secondary Payer; *Form Numbers:* HCFA-1500 and 1490's; *Use:* The information collected on the Medicare claim forms is needed to adjudicate claims in accordance with the Medicare Secondary Payer provisions found at 42 U.S.C. 1395y(B); *Frequency:* On occasion; *Respondents:* Individuals/households, business/other for profit, and small businesses/organizations; *Estimated Number of Responses:* 1,183,000; *Average Hours per Response:* .25; *Total Estimated Burden Hours:* 295,750.

6. *Type of Request:* Reinstatement; *Title of Information Collection:* Information Collection Requirements in BERC-273F, Procedures for Determining Providers/Suppliers' Liability for Certain Noncovered Services; *Form*

Number: HCFA-R-77; *Use:* Peer Review Organizations must provide written notification on noncovered services to beneficiaries and/or providers, practitioners and suppliers. The notice advises that Medicare will not pay for items or services mentioned in the notification. After this notification, any future claim for the same or similar services will not be paid; *Frequency:* On occasion; *Respondents:* Businesses/other for profit and small businesses/organizations; *Estimated Number of Responses:* 161,125; *Average Time Per Response:* 5 minutes; *Total Estimated Burden Hours:* 13,427.

Additional Information or Comments: Call the Reports Clearance Officer on 301-966-2088 for copies of the clearance request packages. Written comments and recommendations for the proposed information collections should be sent directly to the following address: OMB Reports Management Branch, Attention: Allison Herron, New Executive Office Building, Room 3208, Washington, DC 20503.

Dated: July 7, 1990.

Gail R. Wilensky,

Administrator, Health Care Financing Administration.

[FR Doc. 90-16393 Filed 7-12-90; 8:45 am]

BILLING CODE 4120-03-M

Health Resources and Services Administration

Advisory Council; Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following National Advisory body scheduled to meet during the month of August 1990:

Name: Advisory Council on Nurses Education.

Date and Time: August 16-17, 1990, 9 a.m.

Place: Conference Room G, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857.

Open on August 16, 9 a.m.-12 p.m. Closed for remainder of meeting.

Purpose: The Council advises the Secretary and Administrator, Health Resources and Services Administration, concerning general regulations and policy matters arising in the administration of the Nurse Education Amendments of 1985 (Pub. L. 99-92). The Council also performs final review of grants applications for Federal Assistance, and makes recommendations to the Administrator, HRSA.

Agenda: The open portion of the meeting will cover announcements; considerations of minutes of previous meeting; reports by the Administrator, Health Resources and Services Administration, the Director, Bureau of Health Professions, the Director, Division of Nursing and staff reports. The meeting will be closed to the public on August 16, at 12 p.m. for the remainder of the meeting for the review of grant applications for Special Project Grants and "Research Demonstration on Community-Based Rural Health Care Models for Minority Populations." The closing is in accordance with the provisions set forth in section 552b(c)(6), title 5 U.S.C. Code, and the Determination by the Administrator, Health Resources and Services Administration, pursuant to Public Law 92-463.

Anyone requiring information regarding the subject Council should contact Dr. Mary S. Hill, Executive Secretary, Advisory Council on Nurses Education, Room 5C-14, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, Telephone (301) 443-6193.

Agenda Items are subject to change as priorities dictate.

Dated: July 10, 1990.

Jackie E. Baum,

Advisory Committee Management Officer, HRSA.

[FR Doc. 90-16457 Filed 7-12-90; 8:45 am]

BILLING CODE 4160-15-M

Public Health Service

Agency Forms Submitted to the Office of Management and Budget for Clearance

Each Friday the Public Health Service (PHS) publishes a list of information collection packages it has submitted to the Office of Management and Budget (OMB) for clearance in compliance with the Paperwork Reduction Act (44 U.S.C. chapter 35). The following requests have been submitted to OMB since the list was last published on Friday, June 29, 1990.

(Call PHS Reports Clearance Officer on 202-245-2100 for copies of package)

1. Physicians' Perspectives on HIV/HBV Testing—NEW—This survey is designed to investigate errors that occur after the HIV-1 antibody test is completed, in the post analytic phase of the total testing process. Physicians are in a key position to evaluate quality in this area, such as the accurate interpretation and reporting of test results.

Respondents: Individuals or households;

Number of Respondents: 4,856;

Number of Responses per Respondent: 1;

Average Burden per Response: .255 hours;

Estimated Annual Burden: 1,240 hours.

2. National Laboratory Training Resource Directory—NEW—This information collection will be used to identify laboratory training resources as part of the CDC-Association of State and Territorial Public Health Laboratory Directors National Laboratory Training Network (NLTN). The NLTN is a delivery system dedicated to offering quality laboratory training interventions by strengthening relationships between Federal and non-Federal organizations involved in laboratory practices.

Respondents: State or local governments, businesses or other for-profit, non-profit institutions, small businesses or organizations;

Number of Respondents: 500;

Number of Responses per Respondent: 1;

Average Burden per Response: 1.67 hours;

Estimated Annual Burden: 833 hours.

3. National Hospital Discharge Survey—0920-0212—The National Hospital Discharge Survey provides detailed information on characteristics, diagnoses, and surgical and other procedures for patients discharged from short-stay non-Federal hospitals in the United States. The information collected is available in written reports, in unpublished form through standardized in-house tabulations or special tabulations, and on public use tapes.

Respondents: State or local governments, businesses or other for-profit, non-profit institutions, small businesses or organizations;

Number of Respondents: 425;

Number of Responses per Respondent: 590;

Average Burden per Response: .014 hours;

Estimated Annual Burden: 3,520 hours.

5. 1991 National Health Provider Inventory—NEW—This survey will be conducted by mail among all long-term care facilities, home health agencies and hospices. The purposes are to provide a sampling frame for future surveys and to provide national data on the number, type, and geographic distribution of providers of long-term care.

Respondents: Businesses or other for-profit, non-profit institutions, small businesses or organizations;

Number of Respondents: 84,000;

Number of Responses per Respondent: 1;

Average Burden per Response: .25 hours;

Estimated Annual Burden: 21,000 hours.

OMB Desk Officer: Shannah Koss-McCallum.

Written comments and recommendations for the proposed information collections should be sent within 30 days of this notice directly to the OMB Desk Officer designated above at the following address:

Human Resources and Housing Branch, New Executive Office Building, room 3002, Washington, DC 20503.

Dated: July 9, 1990.

James M. Friedman,

Acting Deputy Assistant Secretary for Health (Planning and Evaluation).

[FR Doc. 90-16335 Filed 7-12-90; 8:45 am]

BILLING CODE 4160-17-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Community Planning and Development

[Docket No. N-90-1917; FR-2606-N-80]

Federal Property Suitable as Facilities To Assist the Homeless

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Notice.

SUMMARY: This Notice identifies unutilized and underutilized Federal property determined by HUD to be suitable for possible use for facilities to assist the homeless.

EFFECTIVE DATE: July 13, 1990.

ADDRESSES: For further information, contact James Forsberg, room 7262, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, DC 20410; telephone (202) 708-4300; TDD number for the hearing- and speech-impaired (202) 708-2565. (These telephone numbers are not toll-free.)

SUPPLEMENTARY INFORMATION: In accordance with the December 12, 1988 Court Order in *National Coalition for the Homeless* v. *Veterans Administration*, No. 88-2503-OG (D.D.C.), HUD is publishing this Notice to identify Federal buildings and real property that HUD has determined are suitable for use for facilities to assist the homeless. The properties were identified from information provided to HUD by Federal landholding agencies regarding unutilized and underutilized buildings and real property controlled by such agencies or by GSA regarding its inventory of excess or surplus Federal property.

The Order requires HUD to take certain steps to implement section 501 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411), which sets out a process by which unutilized or underutilized Federal properties may be made available to the homeless. Under section 501(a), HUD is to collect information from Federal landholding agencies about such properties and then to determine, under criteria developed in consultation with the Department of Health and Human Services (HHS) and the Administrator of General Services (GSA), which of those properties are suitable for facilities to assist the homeless. The Order requires HUD to publish, on a weekly basis, a Notice in the **Federal Register** identifying the properties determined as suitable.

The properties identified in this Notice may ultimately be available for use by the homeless, but they are first subject to review by the landholding agencies pursuant to the court's Memorandum of December 14, 1988 and section 501(b) of the McKinney Act. Section 501(b) requires HUD to notify each Federal agency about any property of such agency that has been identified as suitable. Within 30 days from receipt of such notice from HUD, the agency must transmit to HUD: (1) Its intention to declare the property excess to the agency's need or to make the property available on an interim basis for use as facilities to assist the homeless; or (2) a statement of the reasons that the property cannot be declared excess or made available on an interim basis for use as facilities to assist the homeless.

First, if the landholding agency decides that the property cannot be declared excess or made available to the homeless for use on an interim basis the property will no longer be available.

Second, if the landholding agency declares the property excess to the agency's need, that property may, if subsequently accepted as excess by GSA, be made available for use by the homeless in accordance with applicable law and the December 12, 1988 Order and December 14, 1988 Memorandum, subject to screening for other Federal use.

Homeless assistance providers interested in any property identified as suitable in this Notice should send a written expression of interest to HHS, addressed to Judy Breitman, Division of Health Facilities Planning, U.S. Public Health Service, HHS, room 17A-10, 5600 Fishers Lane, Rockville, MD 20857; (301) 443-2265. (This is not a toll-free number.) HHS will mail to the interested provider an application packet, which will include instructions for completing the application. In order to maximize the opportunity to utilize a suitable property, providers should submit such written expressions of interest within 30 days from the date of this Notice. For complete details concerning the timing and processing of applications, the reader is encouraged to refer to HUD's **Federal Register** Notice on June 23, 1989 (54 FR 26421), as corrected on July 3, 1989 (54 FR 27975).

For more information regarding particular properties identified in this Notice (*i.e.*, acreage, floor plan, existing sanitary facilities, exact street address), providers should contact the appropriate landholding agencies at the following addresses: U.S. Army: HQ-DA, Attn: DAEN-ZCI-P-Robert Conte; room 1E671 Pentagon, Washington, DC 20360-2600; (202) 693-4583. (These are not toll-free numbers.)

Dated: July 5, 1990.

Paul Roitman Bardack,

Deputy Assistant Secretary for Economic Development.

Suitable Buildings (by State)

California

Bldg. T-220
Presidio of Monterey
Artillery Street
Monterey, CA Co: Monterey
Landholding Agency: Army
Property Number: 219014945
Status: Unutilized
Comment: 3343 sq. ft.; 2 story wood frame; most recent use—bowling center; needs rehab.

Texas

Bldg. 1636
Fort Bliss
1636 Pleasonton Road
El Paso, TX Co: El Paso
Landholding Agency: Army
Property Number: 219014943
Status: Unutilized
Comment: 3540 sq. ft.; 2 story wood frame; needs rehab; off-site use only; potential utilities.

Bldg. 11633
Fort Bliss
11633 SSG Simms Street
El Paso, TX Co: El Paso
Landholding Agency: Army
Property Number: 219014944
Status: Unutilized
Comment: 2190 sq. ft.; 1 story wood frame; potential utilities; needs rehab; off-site use only.

Virginia

Bldg. T-2015
Fort Lee

7th St. U.S. Army Logistics Center
Fort Lee, VA Co: Lee
Landholding Agency: Army
Property Number: 219014939
Status: Unutilized
Comment: 4720 sq. ft.; 2 story wood frame with vinyl siding; needs rehab; off-site use only.

Universe of Properties:

Total	=9
Suitable	=4
Suitable Buildings	=4
Suitable Land	=0
Unsuitable	=5
Unsuitable Buildings	=4
Unsuitable Land	=1
Number of Resubmissions	=0

[FR Doc. 90-16186 Filed 7-12-90; 8:45 am]
BILLING CODE 4210-29-M

Office of Policy Development and Research

[Docket No. N-90-3119; FR2852-N-01]

Commission on Regulatory Barriers to Affordable Housing; Meeting

AGENCY: Office of the Assistant Secretary for Policy Development and Research.

ACTION: Notice of public hearing and open meeting.

SUMMARY: The Commission was established on March 14, 1990, in accordance with the provisions of the Commission's charter and the Federal Advisory Committee Act (FACA). The Commission was created to advise the Secretary on the nature and impact upon costs of Federal, State, and local regulations governing the construction and rehabilitation of housing and to present its findings as well as advisory recommendations as to possible remedial Federal, State, and local actions that can be taken to eliminate excessive, duplicative or unnecessary regulations that increase the cost of housing.

The first meeting of the Commission was held in Washington on May 31, 1990. At that meeting a decision was made to hold public hearings for the purpose of soliciting testimony on the nature and extent of regulatory barriers to affordable housing and on possible approaches for implementing regulatory reform. The first public hearing was held in Trenton, New Jersey on June 11, 1990.

TIME AND PLACE: A combined public hearing and open Commission meeting will be held in Chicago, Illinois on Wednesday, August 1, 1990. The public hearing will run from 9 a.m. to approximately 3:30 p.m. At conclusion of the hearing the Commission will continue to meet until approximately 5:30 p.m. The hearing and meeting will take place at the Westin Hotel, 909 North Michigan Avenue, Chicago, Illinois, 60611.

AGENDA: The Commission desires to hear a range of testimony and views on the nature of regulatory barriers to affordable housing and on possible legislative, administrative, judicial and other approaches that have been or can be taken to address the problem. The Commission is interested in issues and possible solutions and, for this hearing, is particularly interested in issues and solutions that are most relevant to the Mid-West area. At the open meeting to be held at the conclusion of the hearing, the Commission will discuss the nature of the testimony to date and issues that have been identified requiring additional research and exploration.

PUBLIC PARTICIPATION: The hearing will consist of testimony from invited witnesses as well as testimony from the general public. One hour has been set aside, after scheduled testimony and questions, for testimony from other interested parties. Members of the general public wishing to testify will be asked to register on a first come, first served basis. Those who do not have the opportunity to testify can, at the hearing or subsequently, submit written remarks for the record.

FOR FURTHER INFORMATION CONTACT: David Engel, Office of Policy Development and Research, room 8140, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, DC 20410. Telephone: (202) 708-4370. (This is not a toll-free number.)

Dated: July 9, 1990.

John C. Weicher,

Assistant Secretary for Policy Development and Research, United States Department of Housing and Urban Development.

[FR Doc. 90-16441 Filed 7-12-90; 8:45 am]
BILLING CODE 4210-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[MT-020-08-4120-09; FES 90-20]

Notice of Availability of Final Economic, Social and Cultural Supplement to the Powder River I Regional Coal Environmental Impact Statement

AGENCY: Bureau of Land Management, Department of the Interior.

ACTION: Notice of availability of final economic, social and cultural supplement to the Powder River I Regional Coal Environmental Impact Statement (EIS).

SUMMARY: The Final Economic, Social and Cultural Supplement to the Powder River I Regional Coal Environmental Impact Statement (Final EIS Supplement) has been prepared by the Bureau of Land Management's (BLM) Miles City, Montana District Office. The Final EIS Supplement addresses the economic, social, and cultural impacts on the Northern Cheyenne and Crow Tribes from leasing up to 11 Powder River I Federal coal tracts, including 5 tracts for which the BLM actually issued coal leases following the Powder River I Federal coal lease sale conducted in 1982.

All the tracts assessed in the Final EIS Supplement are located in the Montana portion of the Powder River coal region.

The Final EIS Supplement (1) contains modifications and corrections to the Draft Supplement to the Powder River I Regional Coal EIS (Draft EIS Supplement) made in response to public comments received, (2) public comments received on the Draft EIS Supplement (issued June 1989), and (3) responses to the economic, social, and cultural comments. The Final EIS Supplement incorporates by reference the Draft EIS Supplement, which analyzes the economic, social, and cultural impacts on the Northern Cheyenne and Crow Tribes from three multitract leasing alternatives.

The Final EIS Supplement will be used to decide if the five Montana leases issued by the BLM following the Powder River Round I Federal coal lease sale should have been issued and, if so, whether additional mitigating measures should be imposed, subject to the outcome of litigation described below under Supplementary Information.

ADDRESSES: Copies of the Final EIS Supplement will be available at the public libraries in Hardin (Big Horn County), Forsyth (Rosebud County), and Broadus (Powder River County), Montana, and at the college libraries on the Northern Cheyenne and Crow Reservations. Copies of this EIS Supplement are also available from the Miles City District Office, P.O. Box 940, Miles City, Montana 59301-0940, (406) 232-4331. Public reading copies are available for review at the following location: BLM, Montana State Office, Records Assistance, 222 N. 32nd Street, Billings, Montana 59107.

FOR FURTHER INFORMATION CONTACT: Loren Cabe, Project Manager, Powder River I Supplemental EIS, BLM Montana State Office, 22 North 32nd Street, P.O.

Box 36800, Billings, Montana 59107, Telephone (406) 255–2920.

SUPPLEMENTARY INFORMATION: In April and October 1982, the Department of the Interior held the Powder River Round I Federal coal lease sale. Eight lease tracts in the Montana portion of the Powder River Federal Coal Production Region were offered for sale. High bids were accepted on six of these tracts. Only five leases were issued. These were: (1) Colstrip A and B; (2) Colstrip C; (3) Colstrip D; (4) West Decker; and (5) Cook Mountain.

Shortly before the April 1982 Federal coal lease offering, the Northern Cheyenne Tribe filed suit claiming that the Powder River I Regional Coal Sale Environmental Impact Statement (EIS) did not consider the effects of Federal coal leasing on the Northern Cheyenne Tribe or the Reservation. This case, *Northern Cheyenne* v *Secretary of the Interior, et al.* (Civil No. 82–116), was decided May 28, 1985, in the U.S. District Court, Billings, Montana. The Court found that the Department's final EIS for the Powder River I coal lease sale was flawed because it: (1) failed to adequately analyze economic, social, and cultural impacts specific to the Northern Cheyenne Tribe and Reservation, and (2) did not discuss ways to mitigate such effects. In the Court's Order, also issued May 28, 1985, the Court directed the Secretary of the Interior to cancel the five Montana leases that the BLM had issued in 1982 as part of the Powder River I regional coal lease sale.

The Department, along with the successful bidders, subsequently requested the District Court to reconsider and amend that portion of its May 28, 1985, order which canceled the leases. The Government and the lessees contended that invalidating the Montana leases was an extreme remedy that was not justified in light of the Court's failure to balance the equities involved before it granted relief. In October 1986, the Court granted the motions and issued an amended Order. The amended Order rescinded the Court's earlier direction that the Montana leases were to be cancelled by the Secretary. Instead, the Court suspended the Cook Mountain and West Decker leases until a supplement to the Powder River I Regional Coal EIS is prepared. However, the Court allowed operations to continue on three maintenance lease tracts (Colstrip A and B, Colstrip C, and Colstrip D) provided that development and mining on these tracts would be halted by the Secretary if they were shown to cause significant socioeconomic impacts to the Northern Cheyenne Tribe and Reservation. In conclusion, the Court noted that once the final EIS Supplement was completed, the Secretary must reconsider whether the five Montana leases should have been issued and whether additional mitigation measures should be imposed.

The Northern Cheyenne Tribe subsequently appealed the October 1986 amended Order to the Ninth Circuit Court of Appeals. In March 1988, the Appeals Court reversed the District Court's amended Order and remanded it to the District Court for further action. In July 1988, the Appeals Court refused the Department's request for reconsideration. The District Court has not yet taken any action as a result of the Appeals Court decision.

The Draft EIS Supplement, issued in June 1989, analyzes the economic, social, and cultural effects of leasing 11 Federal coal lease tracts in the Montana portion of the Powder River Federal Coal Production Region. The 11 tracts are evaluated under three Federal coal leasing alternatives. The economic, social, and cultural effects of the three leasing options are measured against two "no action" or baseline alternatives.

The Final EIS Supplement incorporates by reference the Draft EIS Supplement. It also contains modifications and corrections made in response to the public comments made on the Draft EIS Supplement. These comments were received at three public hearings, held on September 12, 13, and 14, 1989, and in writing during the 90-day comment period from July 28, 1989, to October 26, 1989. In addition, the Final EIS Supplement includes all the public comments received on the Draft EIS Supplement, including the entire public hearings testimony, both oral and written, and all other written comments received during the 90-day comment period. The Final EIS Supplement also provides responses to the economic, social, and cultural comments that were received during the 90-day comment period on the Draft EIS Supplement.

The Final EIS Supplement will be used in reaching a decision as to whether the 5 Montana leases issued by the BLM following the Powder River Round I Federal coal lease sale should have been issued and, if so, whether additional mitigation measures should be imposed. Information in the Final EIS Supplement may also be used for other coal-related decisions in Montana.

Dated: July 6, 1990.

Jonathan P. Deason,

Director, Office of Environmental Affairs.

[FR Doc. 90–16371 Filed 7–12–90; 8:45 am]

BILLING CODE 4310–84–M

INTERNATIONAL TRADE COMMISSION

[Investigations Nos. 701–TA–303 (Preliminary) and 731–TA–465–468 (Preliminary)]

Certain Sodium Sulfur Chemical Compounds From Federal Republic of Germany, People's Republic of China, Turkey, and United Kingdom

AGENCY: United States International Trade Commission.

ACTION: Institution of preliminary countervailing duty and antidumping investigations and scheduling of a conference to be held in connection with the investigations.

SUMMARY: The Commission hereby gives notice of the institution of preliminary countervailing duty investigation No. 701–TA–303 (Preliminary) under section 703(a) of the Tariff Act of 1930 (19 U.S.C. 1671b(a)), and of preliminary antidumping investigations Nos. 731–TA–465–468 (Preliminary), under section 733(a) of the Tariff Act of 1930 (19 U.S.C. 1673b(a)), to determine whether there is a reasonable indication that an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports from the Federal Republic of Germany, the People's Republic of China, Turkey, and the United Kingdom, of sodium metabisulfite and sodium thiosulfate, provided for in subheadings 2832.10.00 and 2832.30.10, respectively, of the Harmonized Tariff Schedule of the United States (previously provided for in item 421.54 of the former Tariff Schedules of the United States), that are alleged to be subsidized by the Government of Turkey and sold in the United States at less than fair value by the Federal Republic of Germany, the People's Republic of China, Turkey, and the United Kingdom. As provided in sections 703(a) and 733(a), the Commission must complete preliminary countervailing duty and antidumping investigations in 45 days, or in this case by August 23, 1990.

For further information concerning the conduct of these investigations and rules of general application, consult the Commission's Rules of Practice and Procedure, part 207, subparts A and B (19 CFR part 207), and part 201, subparts A through E (19 CFR part 201).

EFFECTIVE DATE: July 9, 1990.

FOR FURTHER INFORMATION CONTACT: Valerie Newkirk (202–252–1190), Office of Investigations, U.S. International Trade Commission, 500 E Street SW.,

Washington, DC 20436. Hearing-impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202–252–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–252–1000.

SUPPLEMENTARY INFORMATION:

Background. These investigations are being instituted in response to a petition filed on July 9, 1990, by the Calabrian Corporation, Houston, TX.

Participation in these investigations. Persons wishing to participate in these investigations as parties must file an entry of appearance with the Secretary to the Commission, as provided in § 201.11 of the Commission's rules (19 CFR 201.11), not later than seven (7) days after publication of this notice in the **Federal Register**. Any entry of appearance filed after this date will be referred to the Chairman, who will determine whether to accept the late entry for good cause shown by the person desiring to file the entry.

Public service list. Pursuant to § 201.11(d) of the Commission's rules (19 CFR 201.11(d)), the Secretary will prepare a public service list containing the names and addresses of all persons, or their representatives, who are parties to these investigations upon the expiration of the period for filing entries of appearance. In accordance with §§ 201.16(c) and 207.3 of the rules (19 CFR 201.16(c) and 207.3), each public document filed by a party to the investigations must be served on all other parties to the investigations (as identified by the public service list), and a certificate of service must accompany the document. The Secretary will not accept a document for filing without a certificate of service.

Limited disclosure of business proprietary information under a protective order and business proprietary information service list. Pursuant to § 207.7(a) of the Commission's rules (19 CFR 207.7(a)), the Secretary will make available business proprietary information gathered in these preliminary investigations to authorized applicants under a protective order, provided that the application be made not later than seven (7) days after the publication of this notice in the **Federal Register**. A separate service list will be maintained by the Secretary for those parties authorized to receive business proprietary information under a protective order. The Secretary will not accept any submission by parties containing business proprietary information without a certificate of service indicating that it has been served on all the parties that are authorized to receive such information under a protective order.

Conference. The Commission's Director of Operations has scheduled a conference in connection with these investigations for 9:30 a.m. on July 31, 1990, at the U.S. International Trade Commission Building, 500 E Street SW., Washington, DC. Parties wishing to participate in the conference should contact Valerie Newkirk (202–252–1190) not later than July 27, 1990, to arrange for their appearance. Parties in support of the imposition of countervailing and antidumping duties in these investigations and parties in opposition to the imposition of such duties will each be collectively allocated one hour within which to make an oral presentation at the conference.

Written submissions. Any person may submit to the Commission on or before August 2, 1990, a written brief containing information and arguments pertinent to the subject matter of the investigations, as provided in § 207.15 of the Commission's rules (19 CFR 207.15). If briefs contain business proprietary information, a nonbusiness proprietary version is due August 3, 1990. A signed original and fourteen (14) copies of each submission must be filed with the Secretary to the Commission in accordance with § 201.8 of the rules (19 CFR 201.8). All written submissions except for business proprietary data will be available for public inspection during regular business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary to the Commission.

Any information for which business proprietary treatment is desired must be submitted separately. The envelope and all pages of such submissions must be clearly labeled "Business Proprietary Information." Business proprietary submissions and requests for business proprietary treatment must conform wtih the requirements of §§ 201.6 and 207.7 of the Commission's rules (19 CFR 201.6 and 207.7).

Parties which obtain disclosure of business proprietary information pursuant to § 207.7(a) of the Commission's rules (19 CFR 207.7(a)) may comment on such information in their written brief, and may also file additional written comments on such information no later than August 6, 1990. Such additional comments must be limited to comments on business proprietary information received on or after the written briefs. A nonbusiness proprietary version of such additional comments is due August 7, 1990.

Authority: These investigations are being conducted under authority of the Tariff Act of 1930, title VII. This notice is published pursuant to section § 207.12 of the Commission's rules (19 CFR 207.12).

Issued: July 10, 1990.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 90–16486 Filed 7–12–90; 8:45 am]

BILLING CODE 7020–02–M

INTERSTATE COMMERCE COMMISSION

Intent To Engage in Compensated Intercorporate Hauling Operations

This is to provide notice as required by 49 U.S.C. 10524(b)(1) that the named corporations intend to provide or use compensated intercorporate hauling operations as authorized in 49 U.S.C. 10524(b).

1. Parent Corporation and address of principal office: Lafarge Corporation, 1130 Sunrise Valley Drive, suite 300, Reston, Virginia 22901.

2. Subsidiaries participating in the operations that are wholly-owned, directly or indirectly, by the parent corporation, and their state(s) of incorporation: Cement Transport Limited (incorporated in North Dakota), Box 757, Valley City, North Dakota 58072.

Noreta R. McGee,

Secretary.

[FR Doc. 90–16422 Filed 7–12–90; 8:45 am]

BILLING CODE 7035–01–M

[Ex Parte No. 486]

Railroad Cost of Capital—1989 Railroad Industry Rate Proceeding

AGENCY: Interstate Commerce Commission.

ACTION: Notice of decision.

SUMMARY: On July 12, 1990, the Commission served a decision to update its estimate of the railroad industry's cost of capital for 1989. The composite cost of capital rate for 1989 is found to be 11.5 percent, based on a current cost of debt of 9.7 percent, a cost of preferred equity capital of 8.4 percent, a cost of common equity capital of 12.4 percent, and a 31.8 percent debt/0.6 percent preferred equity/67.6 percent common equity capital structure mix. The cost of capital finding made in this proceeding will enable the Commission to make its

annual determination of railroad revenue adequacy for 1989.

EFFECTIVE DATE: July 12, 1990.

FOR FURTHER INFORMATION CONTACT: Ward L. Ginn, Jr. (202) 275–7489) (TDD for hearing impaired: (202) 275–1721).

SUPPLEMENTARY INFORMATION: The cost of capital finding in this decision should be used to evaluate the adequacy of railroad revenues for 1989 under the standards and procedures promulgated in *Standards for Railroad Revenue Adequacy*, 3 I.C.C.2d 261 (1986). This finding may also be used in proceedings involving the prescription of maximum reasonable rate levels.

Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to, call, or pick up in person from: Dynamic Concepts, Inc., room 2229, Interstate Commerce Commission Building, Washington, DC 20423. Telephone: (202) 289–4357/4359. [Assistance for the hearing impaired is available through TDD services (202) 275–1721.]

Decided: July 5, 1990.

By the Commission, Chairman Philbin, Vice Chairman Phillips, Commissioners Simmons, Lamboley, and Emmett.

Noreta R. McGee,

Secretary.

[FR Doc. 90–16423 Filed 7–12–90; 8:45 am]

BILLING CODE 7035–01–M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

[INS Number: 1275–90]

English Language/American History and Civics, Standardized Naturalization Test

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Notice of proposed program.

SUMMARY: The purpose of this notice is to announce an Immigration and Naturalization Service (INS) plan to implement a standardized test for naturalization applicants, and request comments from entities who are capable and interested in implementing such tests for this effort. The selection criteria that appear in the supplementary information is in draft form.

DATES: Written comments must be received on or before August 13, 1990.

ADDRESSES: Written comments should be mailed in triplicate to Adjudications Division, Immigration and Naturalization Service, 425 I Street, NW., room 7228, Washington, DC 20536.

FOR FURTHER INFORMATION CONTACT: Thomas E. Cook, Senior Immigration Examiner, Immigration and Naturalization Service, 425 I Street, NW., Washington, DC 20536, Telephone: (202) 633–3946.

SUPPLEMENTARY INFORMATION: The Immigration and Nationality Act (INA) provides for the naturalization of certain qualified aliens to United States citizenship. Section 312 of the INA provides in pertinent part that applicants for naturalization must demonstrate an understanding of ordinary English literacy and a knowledge and understanding of the history and form of government of the United States. INS through a "Notice of Program" in the **Federal Register** developed and implemented a standardized English language/basic citizenship skills test for permanent resident applicants under the Immigration Reform and Control Act of 1986 (IRCA).

The standardized test was conducted by outside organizations sanctioned by INS to conduct the testing for IRCA legalization applicants.

Based on an evaluation of compliance with INS testing criteria under IRCA, a survey of three test sites, and the needs of the naturalization program, criteria for a naturalization standardized testing program have been developed. INS will certify entities, under the new standards, to conduct examinations of persons seeking to meet the naturalization requirements regarding English literacy and knowledge of American history and civics. The proposed standardized test will be an alternative to the current testing conducted by INS Examiners as part of the mandatory naturalization interview process. If an applicant successfully passes a standardized test, the INS interview for naturalization will not include questions relating to the applicant's ability to read and write English, and his or her knowledge of the history and form of government of the United States. The INS will test applicants on the ability to speak English, and will retain the discretion to test applicants on the subject areas if INS believes the test results were obtained through fraud or misrepresentation.

Any qualified entity may apply to INS for acceptance as an approved testing organization. The agreement between INS and the alternative testing program provider will be nonfinancial. INS shall incur no financial liability and intends to make no payments to any entity under this program. INS agrees to accept the test results from the approved entity for naturalization applicants, unless fraud or misrepresentation by the testing entity or the applicant is established. The following are criteria and requirements that must be met and maintained to participate in the naturalization standardized test program:

(1) The testing entity must demonstrate experience in developing and administering reliable standard examinations in the English language and civics areas (for example, tests are currently recognized and accepted by an established public or private institution of learning recognized as such by a qualified state certifying agency);

(2) The written test will be constructed in English as a twenty (20) question multiple choice pass/fail test, with two dictated sentences to be written in English. The test will be constructed so as to be completed in no more than forty-five (45) minutes. The test questions and the dictated sentences will be read aloud in English to the applicants by a qualified proctor in person, on audio cassette or video tape. The answers will not be read to the applicants;

(3) The test questions and scoring standards for test scores will be approved by INS. The test questions or scoring standards will not be changed by the testing entity unless approved or directed by INS. The test results received by INS are not valid until approved by INS. The testing entity must develop, and INS must concur in any form of electronic or manual transfer of test result data from the entity to INS;

(4) The content of the test questions, with the exception of current political office holders, must come from the latest edition of the INS Federal Citizenship Textbook Series. Only the M–287, M–289, M–291 and English as a Second Language textbook versions (M–302, M–303, M–304) are to be used;

(5) Testing entities are required to field test the examination, in cooperation with INS, prior to implementation. The testing entity shall notify INS of the opening of a new site or closing of a site within ten business days of such action;

(6) The testing entity must be capable of administering the examination in at least ten states (to include U.S. Virgin Islands, Guam, and Puerto Rico).

In administering the examination the entity must have management control over the testing schedule, test location procurement and management, hiring authority over testing personnel, and responsibility for needed supplies. INS approval cannot be transferred to an unapproved entity for administration of tests. The testing entity must ensure, if concurrently providing test preparation instruction, that test standards are strictly followed. The fee charged will be determined by the approved entity with the concurrence of INS. If the applicant fails the test he/she will be given the opportunity to retest one time at no additional cost. The retest shall be a variation of the initial test;

(7) INS will maintain a list of approved testing entities and will make such listing available to the public upon request. The testing entity is required to provide

reasonable public notice of the test location and schedule. At least fifteen days prior to the beginning of each month, the testing entity shall provide INS with a report of the scheduled test dates by location for the coming month;

(8) The approved testing entity is responsible for scoring the examination and shall provide the results to the applicant and INS by the fifteenth business day from the date of the test;

(9) The testing entity shall provide test security and test integrity subject to review and approval by INS;

(10) The testing entity will be responsible for verifying the identity of the person taking the test;

(11) INS reserves, without notice, the right of on-site inspection to determine the continued reliability and integrity of the test and testing procedures;

(12) INS reserves the right to remove an entity from the approved register for good cause. The testing entity will be notified in writing of its removal from the approved register, and must cease examination immediately upon receipt of such notice. No appeal lies from the decision to remove, but a request for reconsideration may be entertained by the Assistant Commissioner for Adjudications, Examinations Branch, Central Office Washington DC; and

(13) The testing entity must provide INS with quarterly management reports throughout participation in the program. The reports shall include, but are not limited to, monthly statistics by testing site on the number of applicants who take the test, and the number of persons who pass and fail.

Dated: April 26, 1990.

James A. Puleo,

Acting Associate Commissioner Examinations.

[FR Doc. 90-16360 Filed 7-12-90; 8:45 am]

BILLING CODE 4410-10-M

Notice of Lodging of Consent Decree Pursuant to the Clean Water Act

In accordance with Departmental Policy, 28 CFR 50.7, notice is hereby given that a proposed consent decree in *United States of America* v. *Gerbaz, et al.*, No. 89-M-554 (D. Colo.), has been lodged with the United States District Court for the District of Colorado.

The proposed consent decree concerns alleged violations of the Clean Water Act, 33 U.S.C. 1311, as a result of the discharge of fill material into portions of the Roaring Fork River near Carbondale, Colorado, which constitute "waters of the United States." The consent decree requires Mr. Robert Nieslanik to pay a $1,000 civil penalty and to contribute $5,000 and equipment operating time to any subsequent restoration work on the River.

The Department of Justice will receive for a period of thirty (30) days from the date of publication of this notice written comments relating to the proposed consent decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, Department of Justice, Attention: David J. Kaplan, P.O. Box 23986, Washington, DC 20026-3986 and should refer to *United States* v. *Gerbaz, et al.*, DJ Reference No. 90-5-1-1-3220.

The consent decree may be examined at the Clerk's Office, United States District Court, U.S. Courthouse room C-145, 1929 Stout Street, Denver, Colorado 80294.

Richard B. Stewart,

Assistant Attorney General, Environment and Natural Resources Division.

[FR Doc. 90-16389 Filed 7-12-90; 8:45 am]

BILLING CODE 4410-01-M

Notice of Consent Decree in Clean Air Act Enforcement Action

In accordance with the Department Policy, 28 CFR 50.7, notice is hereby given that a consent decree in *United States* v. *Dow Chemical Company*, Civil Action No. 85-294-A was lodged with the United States District Court for the Middle District of Louisiana on July 3, 1990. On March 26, 1989, the United States filed a complaint against Dow Chemical Company (DOW), alleging violations of the National Emission Standard for Hazardous Air Pollutants (NESHAP) for vinyl chloride at Dow's facility in Plaquemine, Louisiana. On August 26, 1986, the United States amended its Complaint against Dow to allege additional violations of the vinyl chloride NESHAP. On October 27, 1987, the court entered a Consent Decree resolving the allegations in the March 26, 1985 complaint. This proposed Consent Decree resolves Dow's liability for the violations alleged in the Amended Complaint. The proposed Consent Decree requires Dow to pay a civil penalty $38,000.00. Injunctive relief is not required because Dow has achieved compliance with the NESHAPS requirements that were the subject of the Amended Complaint.

The Department of Justice will accept written comments relating to this Consent Decree for thirty (30) days from the date of publication of this notice. Please address comments to the Assistant Attorney General, Environment and Natural Resources Division, Department of Justice, P.O. Box 7611, Ben Franklin Station, Washington, D.C. 20044 and refer to *United States* v. *Dow Chemical Company*, 90-5-2-1-773.

Copies of the proposed Consent Decree may be examined at the Office of the United States Attorney, 339 Florida Street, Baton Rouge, Louisiana, 70801, at the Regional VI Office of the Environmental Protection Agency, 1445 Ross Avenue, Dallas, Texas 75202-2733, and at the Environmental Enforcement Section, Environment and Natural Resources Division of the Department of Justice, room 1521, Ninth Street and Pennsylvania Avenue NW., Washington, DC 20530. A copy of the proposed Consent Decree can be obtained in person or by mail from the Environmental Enforcement Section, Environment and Natural Resources Division of the Department of Justice. Please enclose a check or money order in the amount of $3.50 payable to "Treasurer, United States of America" with your mail order.

Richard B. Stewart,

Assistant Attorney General, Environment and Natural Resources Division.

[FR Doc. 90-16390 Filed 7-12-90; 8:45 am]

BILLING CODE 4410-01-M

Notice of Lodging of Consent Decree

In accordance with the policy of the Department of Justice, 28 CFR 50.7, notice is hereby given that a complaint was filed in *United States* v. *City of El Paso, Texas,* Civil Action No. EP89CS347-G, in the United States District Court for the Western District of Texas, El Paso Division, and, on July 2, 1990, a proposed consent decree between the United States and the City of El Paso ("City") was lodged with the court. This consent decree settles the claims alleged in the complaint pursuant to the Clean Water Act, 33 U.S.C. 1251 *et seq.*, for injunctive relief and civil penalties for violations of the Clean Water Act, the Environmental Protection Agency's ("EPA") pretreatment regulations at 40 CFR Part 403, and the City's National Pollutant Discharge Elimination System ("NPDES") permits issued by EPA for the City's three publicly-owned treatment works ("POTW"): the Haskell Street Plant; the Soccorro Plant; and the Quarry Plant.

Under the terms of the proposed consent decree, the City has agreed: To develop technically-based local discharge limits and, when approved by EPA, incorporate such limits in an enforceable city ordinance; to issue or reissue permits to all significant and/or categorical industrial users of the City's POTWs; to monitor and report progress on implementation of its approved wastewater pretreatment program. In addition, the City has agreed to pay a civil penalty of $395,000.

The Department of Justice will receive comments relating to the proposed consent decree for a period of 30 days from the date of this publication. Comments should be addressed to the Assistant Attorney General of the Environment and Natural Resources Division, Department of Justice, 10th and Pennsylvania Avenue NW., Washington, DC 20530. All comments should refer to *United States* v. *City of El Paso, Texas*, D.J. Ref. 90-5-1-1-3377.

The proposed consent decree may be examined at the following offices of the United States Attorney and the Environmental Protection Agency ("EPA"):

EPA Region VI

Contact: Lisa Rivera, Office of Regional Counsel, U.S. Environmental Protection Agency, 1445 Ross Avenue, Dallas, Texas 75202, (214) 655-2129

United States Attorney's Office

511 E. San Antonio, El Paso, Texas 79901, (915) 534-6725

Copies of the proposed consent decree may also be examined at the Environmental Enforcement Section, Environment and Natural Resources Division, United States Department of Justice, Room 1515, 10th and Pennsylvania Avenue NW., Washington, DC 20530. A copy of the proposed consent decree may be obtained by mail from the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice. In requesting a copy of the decree, please enclose a check for copying costs ($0.10/page) in the amount of $2.00 payable to Treasurer of the United States.

Richard B. Stewart,

Assistant Attorney General, Environment and Natural Resources Division.

[FR Doc. 90-16391 Filed 7-12-90; 8:45 am]

BILLING CODE 4410-01-M

Antitrust Division

Unites States v. The American Institute of Architects

Notice is hereby given pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. 16(b)-(h), that a proposed Final Judgment, Stipulation, and Competitive Impact Statement have been filed with the United States District Court for the District of Columbia in *United States of America* v. *The American Institute of Architects*, Civil No. 90 1567.

The Complaint in this case alleges that the American Institute of Architects ("AIA") unreasonably restrained price competition in the sale of architectural services in violation of section 1 of the Sherman Act by entering into an unlawful agreement to prohibit AIA members from engaging in competitive bidding, discourting fees, or providing free services.

The proposed Final Judgment enjoins the AIA and its approximately 280 local and state components from having any code of ethics or statement that has the purpose or effect of prohibiting or restraining AIA members from engaging in competitive bidding, discounting or providing free services or that states or implies that any of these practices are unethical, unprofessional, or contrary to any policy of the AIA or its components. The proposed Final Judgment requires the AIA to institute a stringent antitrust compliance program. The proposed Final Judgment further provides that the court may impose a civil fine upon the AIA or any of its components for a violation of the decree without any showing of wilfullness or intent. The proposed Final Judgment also provides that the AIA pay $50,000 to the United States for the costs of the investigation.

Public comment on the proposed Final Judgment is invited within the statutory 60-day comment period. Such comments, and responses thereto, will be published in the **Federal Register** and filed with the Court. Comments should be directed to Robert E. Bloch, Chief, Professions and Intellectual Property Section, Antitrust Division, U.S. Department of Justice, Room 9903, Judiciary Center Building, 555 4th Street NW., Washington, DC 20001 (202/307-0467), within the statutory 60-day comment period.

Joseph H. Widmar,

Director of Operations, Antitrust Division.

United States District Court for the District of Columbia

United States of America, Plaintiff, v. *The American Institute of Architects*, Defendant. Civil Action No. 90-1567. Filed: 7/5/90. Judge Richey.

Stipulation

It is stipulated by and between the undersigned parties, by their respective attorneys, that:

1. The parties consent that a Final Judgment in the form hereto attached may be filed and entered by the Court, upon the motion of any party or upon the Court's own motion, at any time after compliance with the requirements of the Antitrust Procedures and Penalties Act (15 U.S.C. 16), and without further notice to any party or other proceedings, provided that Plaintiff has not withdrawn its consent, which it may do at any time before the entry of the proposed Final Judgment by serving notice thereof on Defendant and by filing that notice with the Court;

2. In the event Plaintiff withdraws its consents or if the proposed Final Judgment is not entered pursuant to this Stipulation, this Stipulation shall be of no effect whatever and the making of this Stipulation shall be without prejudice to any party in this or any other proceeding.

Dated:

For the Plaintiff:

Alison L. Smith,

Acting Assistant Attorney General.

Joseph H. Widmar,

Robert E. Bloch,

Gail Kursh,

Attorneys, U.S. Department of Justice, Antitrust Division.

Edward D. Eliasbery, Jr.,

Ann Lea Harding,

James J. Tierney,

Attorneys, U.S. Department of Justice, Antitrust Division, Judiciary Center Building, Room 9911, 555 Fourth Street NW., Washington, DC 20001 (202) 307-0808.

For the Defendant:

Franklin D. Kramer,

Anthony A. Lapham,

Counsel for the American Institute of Architects.

United States District Court for the District of Columbia

United States of America, Plaintiff, v. *The American Institute of Architects*, Defendant. Civil Action No. 90-1567. Filed: 7/5/90. Judge Richey.

Final Judgment

Plaintiff, the United States of America, having filed its complaint on July 5, 1990, and plaintiff and defendant, by their respective attorneys, having each consented to the entry of the Final Judgment without trial or adjudication of any issue of fact or law and without this Final Judgment constituting evidence or admission by any party with respect to any issue of fact or law:

Now, Therefore, before the taking of any testimony and without trial or adjudication of any issue of fact or law, and upon the consent of the parties, it is hereby

Ordered, Adjudged, and Decreed as follows:

I

This Court has jurisdiction of the subject matter of and parties to this action. The complaint states a claim upon which relief may be granted against defendant under Section 1 of the Act of Congress of July 2, 1890, as amended (15 U.S.C. § 1), commonly known as the Sherman Act.

II

The provisions of this Final Judgment shall apply to defendant, to defendant's state and local organizations and chapters (hereafter "components") in the United States and territories thereof, to the officers, directors, agents, employees, successors, and assigns of defendant and its components, and to all other persons in active concert or participation with any of them who receive actual notice of this Final Judgment by personal service or otherwise.

III

Defendant and its components are enjoined from:

(A) Directly or indirectly initiating, adopting, or pursuing any plan, program, or course of action that has the purpose or effect of prohibiting or restraining AIA members from engaging in the following practices: (1) submitting at any time, competitive bids or price quotations, including in circumstances where price is the sole or principal consideration in the selection of an architect; (2) providing discounts; or (3) providing free services (hereafter "practices identified in Section III(A)").

(B) Directly or indirectly adopting, disseminating, publishing, or seeking adherence to any code of ethics, rule, bylaw, resolution, policy , guideline, standard, or statement made or ratified by an official of defendant or any of its components that has the purpose or effect of prohibiting or restraining AIA members from engaging in any of the practices identified in Section III (A) above, or that states or implies that any of these practices are, in themselves, unethical, unprofessional, or contrary to any policy of the AIA or any of its components.

IV

(A) Nothing in this Final Judgment shall prohibit any individual architect or architectural firm, acting alone and not on behalf of defendant or any of its components, from refusing to engage in any of the practices identified in Section III(A) above, or from expressing an opinion regarding those practices.

(B) Nothing in this Final Judgment shall prohibit defendant or its components from advocating or discussing, in accordance with the doctrine established in *Eastern Railroad Presidents Conference v. Noerr Motor Freight Inc.*, 365 U.S. 127 (1961) and its progeny, legislation, regulatory actions, or governmental policies or actions, relating to the practices identified in Section III(A) above.

V

(A) Defendant and its components are ordered, within sixty (60) days from the date of entry of this Final Judgment in the case of defendant and within ninety (90) days in the case of the components, to review their codes of ethics, rules, bylaws, resolutions, guidelines, manuals, and policy statements and to eliminate therefrom, so far as it may be necessary to do so, any provision that violates Section III above.

(B) Defendant and its components are ordered to publish in their current codes of ethics within one hundred and twenty (120) days from the date of entry of this Final Judgment, and in all subsequent editions during the term of this Final Judgment, a prominently placed statement that the practices identified in Section III(A) above are not, in themselves, unethical, unprofessional, or contrary to any policy of defendant or its components.

(C) Defendant is ordered to submit for review and to require each component to submit for review to the Decree Committee, established pursuant to Section VIII below, each proposed code of ethics, rule, bylaw, resolution, guideline, manual, or written policy that deals with the practices identified in Section III(A) above, except that no statement permitted pursuant to Section IV above need be submitted. No proposal required to be reviewed by the Decree Committee pursuant to this Section may be disseminated, beyond those persons responsible for drafting or issuing the proposal, without prior approval by the Decree Committee.

VI

Defendant is ordered:

(A) To send, within forty-five (45) days from the date of entry of this Final Judgment, a copy of this Final Judgment to each component and to each AIA member, together with a written statement that AIA members are free to engage in the practices identified in Section III(A) above regardless of anything defendant or its components may have said about these practices in the past;

(B) To cause the publication of this Final Judgment in the three consecutive issues of the AIA Memo following the date of entry of this Final Judgment; and

(C) For a period of ten (10) years following the date of entry of this Final Judgment:

(1) to send a copy of this Final Judgment to each new AIA member no later than ten (10) days after membership in the AIA is granted;

(2) to provide annually to each director, officer, and Executive Management Committee member of defendant, each non-clerical employee of defendant's Component Affairs and Governmental Affairs Departments, the president of each of defendant's components, and each member of the Council of Architectural Components Executives, a copy of this Final Judgment, and to obtain an annual written certification from those persons that they received, read, understand, and agree to abide by this Final Judgment and that they have been advised and understand that noncompliance with the Final Judgment may result in disciplinary measures and also may result in conviction of the person for criminal contempt of court;

(3) to obtain annually from an official of each component a written certification, to the best of the certifying official's knowledge and belief, that copies of this Final Judgment have been distributed to the board and officers of the component, that each member of the board and each officer has read, understands, and agrees to abide by this Final Judgment, and that the programs required by Section VII(C) below have been conducted; and

(4) to require annually an official of each component to report in writing any violation or potential violation of this Final Judgment to the Decree Committee established under Section VIII below.

VII

Defendant is ordered to maintain an antitrust compliance program which shall include the following:

(A) An annual briefing of defendant's Board of Directors, Executive Management Committee, officers, and non-clerical employees on this Final Judgment and the antitrust laws;

(B) A program conducted for all participants at each annual Grassroots convention on this Final Judgment and the antitrust laws; and

(C) Programs conducted annually at a general membership meeting of each of defendant's components, and at each regularly scheduled regional meeting of defendant's components, on this Final Judgment and the antitrust laws. These programs, and the programs conducted pursuant to Section VII(B) above, need not be conducted by defendant's own personnel.

VIII

(A) Defendant shall establish a Decree Committee consisting of at least two attorneys within the General Counsel's office. The Decree Committee shall institute the actions set forth in this Section with the purpose of achieving compliance with this Final

Judgment. The Decree Committee shall on a continuing basis, supervise the review of the current and proposed activities of defendant and its components to seek to ensure that defendant and its components comply with this Final Judgment.

(B) The Decree Committee shall maintain reasonable records of all its deliberations and meetings. The Decree Committee, however, need not keep records of those activities that are clearly insignificant to the implementation of or compliance with this Final Judgment.

(C) Not later than one hundred and twenty (120) days after the date of entry of this Final Judgment, the Decree Committee shall certify to the Department of Justice ("the Department") whether to the best of its knowledge and belief defendant and its components have complied with the provisions of Sections V(A) and (B) and VI(A) and (B) above to the extent compliance is required within the time periods indicated therein.

(D) For a period of ten (10) years following the date of entry of this Final Judgment, the Decree Committee shall certify annually to the Department whether to the best of its knowledge and belief defendant and its components have complied with the provisions of Sections VI(C) and VII above.

(E) If, in the course of obtaining the information necessary to provide the certifications set forth in Section VIII(C) and (D) above, or at any other time, any member of the Decree Committee learns of any actual or proposed activity that violates or if implemented would violate Section III of this Final Judgment, defendant shall, within forty-five (45) days after such knowledge is obtained, undertake appropriate action to terminate or modify the activity in order to comply with this Final Judgment. If the actual or potential violation is not cured within this forty-five (45) day period, defendant shall submit a written report to the Department no later than fifteen (15) days after the end of this period. Such written report shall describe the relevant activity, identify the relevant provisions of the Final Judgment, describe the relevant legal issues under the Final Judgment, state when the activity began, state when the activity first came to the attention of the Decree Committee, and state the steps that defendant has taken or plans to take to terminate or modify the activity in order to comply with this Final Judgment.

IX

If, after the entry of this Final Judgment, defendant or any of its components violates or continues to violate Section III above, the Court may, after notice and hearing but without any showing of willfulness or intent, impose upon defendant and/or upon its components a civil fine for such violation in such amount as may be reasonable in light of all surrounding circumstances. Such a fine may be levied upon defendant and/or upon its components for each separate violation of Section III above. Such a fine may not be levied, however, on any natural person.

X

Nothing in this Final Judgment shall bar the United States from seeking or the Court from imposing against defendant or any person, in addition to or in lieu of the civil penalties provided for in Section IX above, any other relief available under any other applicable provision of law for violation of this Final Judgment.

XI

During the term of this decree, Defendant is enjoined and restrained from allowing the 1984 President of the Chicago Chapter to hold any office, sit on any board of directors or chair or serve on any committee or subcommittee of defendant or any of its components (except that the foregoing shall not prevent maintenance of a general membership or participation in AIA as a general member).

XII

(A) For the purpose of determining or securing compliance with this Final Judgment and for no other purpose, duly authorized representatives of the Department shall, upon written request of the Assistant Attorney General in charge of the Antitrust Division, and on reasonable notice to defendant or any component, be permitted:

(1) access during office hours of defendant or any component to inspect and copy all records and documents in the possession or control of defendant or any component relating to any matters contained in this Final Judgment; and

(2) subject to the reasonable convenience ofdefendant or any component, and without restraint or interference from defendant or its components, to interview officers, employees, and agents of defendant or any component, who may have counsel present, regarding any such matters.

(B) Defendant shall not assert against the Department any claim of privilege with respect to any records or documents maintained by the Decree Committee, except those records or documents (or portions thereof) relating solely to compliance by defendant or its components with Section III of this Final Judgment. This exception, however, shall not apply, and no privilege may be asserted against the Department, with respect to any records or documents(or portions thereof) relating to any activity reported to the Department pursuant to Section VIII(E) above. This provision does not constitute a waiver of any privilege as to parties other than the United States.

(C) Upon the written request of the Assistant Attorney General in charge of the Antitrust Division, defendant and its components shall submit such written reports, under oath if requested, relating to any of the matters contained in this Final Judgment as may be reasonably requested.

(D) No information or documents obtained by the means provided in this Section shall be divulged by any representative of the Department to any person other than a duly authorized representative of the executive branch of the United States, except in the course of legal proceedings to which the United States is a party, or for the purpose of securing compliance with this Final Judgment, or as otherwise required by law.

XIII

This Final Judgment shall expire ten (10) years from the date of entry.

XIV

This Final Judgment shall supersede and terminate the final judgement in *United States* v. *The American Institute of Architects,* Civil Action No. 992–72, entered on June 19, 1972, which shall henceforth have no force or effect.

XV

In settlement of all claims of the United States against defendant arising from this action, defendant is ordered and directed to pay to the United States the costs of the investigation in this matter in the amount of $50,000 upon entry of this Final Judgment.

XVI

Jurisdiction is retained by this Court for the purpose of enabling any of the parties to this Final Judgment to apply to this Court at any time for such further orders and directions as may be necessary or appropriate for the construction or carrying out of this Final Judgment, for the modification or termination of any of its provisions, for its enforcement or compliance, and for the punishment of violations of any of its provisions.

XVII

Entry of this Final Judgment is in the public interest.

United States District Judge

Dated:

U.S. District Court for the District of Columbia,

United States of America, Plaintiff v. *The American Institute of Architects*, Defendant

Civil No. 90-1567, Judge Richey.

Filed: 7/5/90.

Competitive Impact Statement

Pursuant to Section 2(b) of the Antitrust Procedures and Penalties Act, 15 U.S.C. 16(b)-(h), the United States submits this Competitive Impact Statement relating to the proposed Final Judgment submitted for entry in this civil antitrust proceeding.

I

Nature and Purpose of the Proceeding

On July 5, 1990, the United States filed a civil antitrust complaint alleging that the American Institute of Architects ("AIA") conspired unreasonably to restrain price competition among AIA members in violation of section 1 of the Sherman Act, 15, U.S.C. 1.

The Complaint alleged that, beginning at least as early as August 1984 and continuing at least until February 1985, the AIA and its co-conspirators violated the Sherman Act by prohibiting AIA members from submitting price quotations where price is the sole or dominant consideration in the selection of an architect; prohibiting AIA members from providing discounts for architectural services; and prohibiting AIA members from providing architectural services without compensation. The Complaint alleged that in September 1984, the Chicago Chapter of the AIA adopted a Compensation and Fee Policy Statement which prohibited such practices. The Complaint further alleged that various national officers and employees of the AIA also endorsed and assisted in promoting and disseminating this Statement. The effects of the conspiracy have been to unreasonably restrain price competition among AIA members in the sale of their services and to deprive customers seeking the services of AIA members of the benefits of free and open competition in the sale of such services.

The relief sought in the Complaint was that the AIA be enjoined for a period of 10 years from renewing the conspiracy and that the AIA and each of its state and local organizations and chapters ("components") be required to withdraw any provisions in their codes of ethics or other statements which have the purpose or effect of suppressing price competition among AIA members. The Complaint further asked that the AIA be required to institute a compliance program to ensure that the AIA and its components do not enter into or participate in any plan, program or other arrangement having the purpose or effect of continuing or renewing the conspiracy.

Entry of the proposed Final Judgment will terminate the action except that the Court will retain jurisdiction over the matter for further proceedings which may be required to interpret, enforce or modify the Judgment, or to punish violations of any of its provisions.

II

Description of the Practices Involved in the Alleged Violation

At trial, the Government would have made the following contentions:

1. The AIA is a non-profit membership corporation organized and existing under the laws of the State of New York with its principal place of business located in Washington, D.C. The AIA has chartered approximately 280 components to represent the AIA throughout the United States.

2. The AIA's membership consists of about 54,000 licensed architects. The AIA is generally recognized as the national professional association of architects.

3. AIA members compete with each other in a wide variety of architectural activities. Among these activities are the planning, designing, and frequently the supervising of the construction of buildings and other structures, including churches, hospitals, monuments, airports, industrial parks, and urban renewal projects.

4. Beginning at least as early as September 1984, the AIA conspired with its members to restrain competition among its members in the sale of architectural services in violation of Section 1 of the Sherman Act. At that time, the Chicago Chapter of the AIA ("Chicago Chapter") adopted a Compensation and Fee Policy Statement which prohibited AIA members from engaging in competitive bidding, discounting fees or providing free services. The Compensation and Fee Policy Statement set forth the following principles, among others:

An architect shall not participate in any client request for a proposal where fee is the sole basis for selection.

Competition among architects which is based on the quality, nature, and type of services rendered is indicative of professional conduct and shall be encouraged. Pursuit of a commission shall be limited to the fair representation of the architect's professional experience, services, and capabilities. Architects shall not lead clients to believe that price is the dominant factor in the architectural selection process.

The fees charged by architects for professional services shall be based on the costs incurred to provide those services. Architects shall not reduce fees without appropriate reduction of services.

Architects shall not provide professional services without compensation.

5. The President of the Chicago Chapter at the time, Thomas J. Eyerman, was principally responsible for the initiation, promotion and adoption of the Compensation and Fee Policy Statement. Eyerman was also principally responsible for the subsequent wide publicity the Statement received and the dissemination of approximately 6,000 copies of the Statement to AIA members and to purchasers of architectural services in at least seven states. Various national officers and employees of the AIA and officers and employees of some of its components also endorsed and assisted in promoting and disseminating the Compensation and Fee Policy Statement.

6. This conspiracy deprived consumers of architectural services of the benefits of free and open competition in the sale of such services and inhibited AIA members from submitting price quotations where price is the sole or dominant consideration in the selection of an architect, providing discounts for architectural services, and providing architectural services without compensation.

7. All these activities occurred notwithstanding the fact that the AIA at the time was subject to a court order enjoining the AIA from prohibiting or limiting the submission of price quotations for architectural services by AIA members, *United States* v. *The American Institute of Architects*, 1972 Trade Cas. ¶ 73,981, *modified*, 1972 Trade Cas. ¶ 74,074 (D.D.C. 1972). The AIA had consented to the entry of that court order to settle a civil antitrust injunctive action the United States had brought against the AIA for banning competitive bidding. That court order is still in effect.

III

Explanation of the Proposed Final Judgment

The United States and the AIA have stipulated that the Court may enter the

proposed Final Judgment after compliance with the Antitrust Procedures and Penalties Act, 15 U.S.C. 16(b)–(h). The proposed Final Judgment provides that its entry does not constitute any evidence against or admission by either party with respect to any issue of fact or law.

Under the provisions of section 2(e) of the Antitrust Procedures and Penalties Act, 15 U.S.C. 16(e), the proposed Final Judgment may not be entered unless the Court finds that entry is in the public interest. Section XVII of the proposed Final Judgment sets forth such a finding.

The proposed Final Judgment is intended to ensure that the AIA and its approximately 280 components completely eliminate all formal or informal ethical rules or statements proscribing competitive bidding, discounting, or providing of free architectural services. It is also intended that AIA members and purchasers of architectural services be made aware that such forms of competition are permissible. The Judgment is intended to permit individual architects or architectural firms to make their own independent decisions whether to engage in such forms of competition and to express their own independent opinions regarding such practices. The Judgment will permit the AIA and its components to advocate legislation or governmental actions restricting such practices.

A. Prohibitions and Obligations

Under Section III of the proposed Final Judgment, AIA and its components are enjoined from initiating or pursuing any plan or course of action which has the purpose or effect of prohibiting or restraining AIA members from (1) submitting, at any time, competitive bids or price quotations, (2) providing discounts, or (3) providing free services. Section III also enjoins AIA and its components from adopting or seeking adherence to any code of ethics or statement which has the purpose or effect of prohibiting or restraining AIA members from engaging in any such practices or which states or implies that any of these practices are, in themselves, unethical, unprofessional, or contrary to any policy of the AIA or any of its components.

Section IV of the proposed Final Judgment provides that any individual architect or architectural firm, acting alone and not on behalf of the AIA or any of its components, remains free to express an opinion regarding these practices and to refuse to engage in these practices. Section IV also provides that the AIA and its components remain free to advocate or discuss, in accordance with the doctrine established in *Eastern Railroad Presidents Conference* v. *Noerr Motor Freight Inc.*, 365 U.S. 127 (1961) and its progeny, legislation, regulatory actions or governmental policies or actions relating to these practices.

Section V of the proposed Final Judgment requires the AIA and its components to review their codes of ethics, manuals, and policy statements and to eliminate therefrom any provision that prohibits or restrains AIA members from engaging in these practices or that states or implies that any of these practices are, in themselves, unethical, unprofessional, or contrary to any policy of the AIA or any of its components. Section V also requires the AIA and its components to publish in their codes of ethics during the term of the decree a prominently placed statement that these practices are not, in themselves, unethical, unprofessional, or contrary to any policy of the AIA or its components. Section V further requires the AIA and its components to receive approval from a Decree Committee, established pursuant to Section VIII of the Final Judgment, before any proposed code of ethics or written policy dealing with these practices can be disseminated beyond those persons responsible for drafting or issuing the proposal.

Section VI of the proposed Final Judgment requires the AIA to send to each of its components and members a copy of the proposed Final Judgment together with a written statement that AIA members are free to engage in competitive bidding, discounting, or the providing of free services regardless of anything the AIA or its components may have said about these practices in the past. Section VI also requires the AIA to publish the proposed Final Judgment in the three consecutive issues of the AIA publication "Memo" following the date of entry of the proposed Final Judgment.

Section VI of the proposed Final Judgment further requires the AIA to do four other things for a period of 10 years following entry of the Judgment. First, the AIA must send a copy of the Final Judgment to each new AIA member no later than 10 days after membership in the AIA is granted. Second, the AIA must provide annually to each director, officer, and Executive Management Committee member, each non-clerical employee of the AIA's Component Affairs and Governmental Affairs Departments, the president of each component, and each member of the Council of Architectural Components Executives, a copy of the Final Judgment and obtain written certification from those persons each year that they received, read, understand, and agree to abide by the Final Judgment and understand that noncompliance with the Final Judgment may result in disciplinary measures and also may result in conviction of the person for criminal contempt of court. Third, the AIA must obtain annually from an official of each of its components a written certification, to the best of the certifying official's knowledge and belief, that copies of the Final Judgment have been distributed to the board and officers of the component, that each member of the board and each officer has read, understands, and agrees to abide by the Final Judgment, and that the antitrust compliance programs required of the component by section VII of the proposed Final Judgment have been conducted. Fourth, the AIA must require annually an official of each component to report in writing any violation or potential violation of the Final Judgment to the Decree Committee established under the Judgment.

Section VII of the proposed Final Judgment requires the AIA to maintain an antitrust compliance program. Section VII provides that this antitrust compliance program must include (1) an annual briefing of the AIA's Board of Directors, Executive Management Committee, officers, and non-clerical employees on the Final Judgment and the antitrust laws, (2) a program conducted for all participants at each annual Grassroots convention on the Final Judgment and the antitrust laws, and (3) programs conducted annually at a general membership meeting of each component and at each regularly scheduled regional meeting of the components, on the Final Judgment and the antitrust laws.

Section VIII requires the AIA to establish a Decree Committee consisting of at least two attorneys within the General Counsel's office. Section VIII provides that the Decree Committee shall, on a continuing basis, supervise the review of the current and proposed activities of the AIA and its components to seek to ensure that the AIA and its components comply with the Final Judgment. Section VIII also provides that the Decree Committee shall maintain reasonable records of all its deliberations and meetings but that the Committee need not keep records of those activities that are clearly insignificant to the implementation of or compliance with the Final Judgment. Under Section VIII, the AIA must, within 45 days of a member of the Decree Committee learning of any actual or proposed activity that violates or would violate Section III of the Final

Judgment, undertake appropriate action to terminate or modify the activity.

Section IX of the proposed Final Judgment provides that the Court may, after notice and hearing, impose upon the AIA and/or upon its components a civil fine for violating Section III of the Final Judgment without there having to be any showing of willfulness or intent. Such a fine, however, may not be levied on any natural person.

Section X of the proposed Final Judgment provides that, in addition to or in lieu of the civil penalties provided for in section IX of the Final Judgment, the United States may seek and the Court may impose against the AIA or any person any other relief allowed by law for violation of the Final Judgment.

Section XI provides that the AIA is prohibited from allowing Thomas J. Eyerman, the President of the Chicago Chapter in 1984, to hold any office, sit on any board of directors, or chair or serve on any committee or subcommittee of the AIA or any of its components. Section XI provides, however, that Eyerman is permitted to maintain a general membership in the AIA and participate as a general member.

Section XIV of the proposed Final Judgment provides that the Final Judgment supersedes and terminates the final judgment entered against the AIA in 1972 in *United States* v. *The American Institute of Architects,* Civil Action No. 992–72 (D.D.C.).

Section XV of the proposed Final Judgment provides that the AIA must pay the United States the costs of the investigation in the amount of $50,000 in settlement of all claims of the United States against the AIA arising from this action.

B. Scope of the Proposed Final Judgment

Section II of the proposed Final Judgment provides that the Final Judgment shall apply to the AIA, to the AIA's state and local organizations and chapters in the United States and territories, to the officers, directors, agents, employees, successors, and assigns of the AIA and its components, and to all other persons in active concert or participation with any of them who shall have received actual notice of the Final Judgment.

Section XIII of the proposed Final Judgment provides that the Final Judgment shall remain in effect for 10 years.

C. Effect of the Proposed Judgment on Competition

The relief in the proposed Final Judgment is designed to ensure that AIA members have the opportunity, using their own independent competitive judgment, to decide unilaterally whether to (1) engage in competitive bidding or to submit price quotations where price is the sole or principal selection criterion, (2) discount fees, or (3) provide free services. It is also designed to ensure that consumers of architectural services have the opportunity to receive such services on the basis of free and open competition between and among AIA members.

Five methods for determining compliance with the terms of the Final Judgment are provided. First, Section VIII requires the Decree Committee to certify to the Department of Justice within 120 days after the Final Judgment is entered whether to the best of its knowledge and belief and AIA and its components have made the various reviews, corrections, publications, and transmittals that they are required to make under Section V(A) and (B) and VI(A) and (B) of the Final Judgment. Section VIII also requires the Decree Committee to certify annually to the Department of Justice whether to the best of its knowledge and belief the AIA and its components have made the various transmittals and communications, conducted the various briefing and programs, and received the various certifications and reports required each year by Sections VI(C) and VII of the Final Judgment. Second, Section VIII further requires the AIA to submit a written report to the Department of Justice if an actual or potential violation of the Final Judgment is not cured within 45 days of a member of the Decree Committee learning of the proposed or actual activity. This report must be submitted within 15 days after the end of this 45 day period. It must describe, among other things, the relevant activity and the steps the AIA has taken or plans to take in order to comply with the Final Judgment. Third, if one of these reports is filed, Section XII(B) provides that the AIA will not assert against the Department any claim of privilege with respect to any records or documents maintained by the Decree Committee relating to any activity disclosed in the report. Fourth, Section XII(A) provides that, upon reasonable notice, the Department of Justice shall be given access to any records of the AIA or any of its components and be permitted to interview any officers, employees, or agents of the AIA or any of its components. Fifth, Section XII(C) provides that, upon written request, the Department of Justice may require the AIA and its components to submit written reports, under oath if asked, about any matters relating to the Final Judgment as may be reasonably requested.

The Department of Justice believes that this proposed Final Judgment contains adequate provisions to prevent further violations of the type upon which the Complaint is based and to remedy the effects of the alleged conspiracy.

IV

Remedies Available to Potential Private Litigants

Section 4 of the Clayton Act, 15 U.S.C. 15, provides that any person who has been injured as a result of conduct prohibited by the antitrust laws may bring suit in federal court to recover three times the damages suffered, as well as costs and reasonable attorney's fees. Entry of the proposed Final Judgment will neither impair nor assist the bringing of such actions. Under the provisions of section 5(a) of the Clayton Act, 15 U.S.C. 16(a), the judgment has no *prima facie* effect in any subsequent lawsuits that may be brought against the AIA or any of its components.

V

Procedures Available for Modification of the Proposed Judgment

As provided by the Antitrust Procedures and Penalties Act, any person believing that the proposed Final Judgment should be modified may submit written comments to Robert E. Bloch, Chief, Professions and Intellectual Property Section, Antitrust Division, U.S. Department of Justice, 555 Fourth Street NW., Washington, DC 20001, within the 60-day period provided by the Act. These comments, and the Department's responses, will be filed with the Court and published in the **Federal Register.** All comments will be given due consideration by the Department of Justice, which remains free to withdraw its consent to the proposed Judgment at any time prior to entry. Section XVI of the proposed Final Judgment provides that the Court retains jurisdiction over this action, and the parties may apply to the Court for any order necessary or appropriate for the modification, interpretation or enforcement of the Final Judgment.

VI

Alternative to the Proposed Final Judgment

The alternative to the proposed Final Judgment would be a full trial of the case. In the view of the Department of Justice, such a trial would involve substantial cost to the United States and is not warranted since the proposed Final Judgment provides all the relief that the United States sought in its Complaint.

VII

Determinative Materials and Documents

No materials and documents of the type described in section 2(b) of the Antitrust Procedures and Penalties Act, 15 U.S.C. 16(b), were considered in formulating the proposed Final Judgment.

Respectfully submitted,

Edward D. Eliasberg, Jr.

Ann Lea Harding

James J. Tierney

Attorneys, U.S. Department of Justice, Antitrust Division, 555 Fourth Street, NW., Washington, DC 20001, Telephone: (202) 307-0808.

Certificate of Service

I, Edward D. Eliasberg, Jr., hereby certify that a copy of the Competitive Impact Statement in *United States v. The American Institute of Architects* was served on the 5th day of July 1990, by hand delivery, to counsel as follows: Franklin D. Kramer, Shea & Gardner, 1800 Massachusetts Avenue NW., Washington, DC 20036.

Edward D. Eliasberg, Jr.

[FR Doc. 90-16392 Filed 7-12-90; 8:45 am]

BILLING CODE 4410-01-M

Office of Justice Programs

Office for Victims of Crime; Family Violence Law Enforcement Training and Technical Assistance Grants

AGENCY: U.S. Department of Justice, Office of Justice Programs, Office for Victims of Crime.

ACTION: Notice of availability of funds.

SUMMARY: The Office for Victims of Crime (OVC) is publishing this notice to solicit grant applications for projects to be funded in FY 1990 under the Family Violence Prevention and Services Act. The purpose of these grants is to provide training and technical assistance to local and State law enforcement agencies to improve their response to incidents of family violence.

DATES: Applications for these funds must be received by 5 p.m. edt on August 27, 1990.

ADDRESSES: Address applications to: Office for Victims of Crime, Room 1352, 633 Indiana Avenue NW., Washington, DC 20531.

FOR FURTHER INFORMATION CONTACT: Duane Ragan, Ph.D., at the above address. Telephone: (202) 307-5947.

SUPPLEMENTARY INFORMATION:

Statutory Authority

The authority for this program is found in section 303(b) of title III of the Child Abuse Prevention, Adoption, and Family Services Act of 1988 (Pub.L. 100-294), 42 U.S.C. 10410. Title III of this Act is entitled the "Family Violence Prevention and Services Act."

This announcement applies only to 42 U.S.C. 10410(2) and the first paragraph of section 10410(b). A separate **Federal Register** announcement has been developed for 42 U.S.C. 10410(b)(2)(A), Family Member Abuse Information and Documentation Project.

Background

OVC, a component of the Office of Justice Programs (OJP), has received funds from DHHS to administer the Law Enforcement Training and Technical Assistance portion of the Family Violence Prevention and Services Act since 1986. In FY 1986, $700,000 was transferred to OJP; in FY 1987, $500,000 was transferred; in FY 1988, $400,000 was transferred; and in FY 1989, $400,000 was transferred. All the funds transferred to OJP, except for $150,000 of funds transferred in FY 1986 and $31,200 of the funds transferred in 1989, have been used for developing programs and for training law enforcement executives and trainers. In FY 1986, $150,000 was utilized by the National Institute of Justice to help support research projects related to law enforcement intervention in domestic violence cases. In 1989, $31,200 was used to implement a new provision of the Act to develop information and referral materials for abused family members, and also procedures for providing domestic abuse victims with information regarding their injuries.

More specifically, grants have been made to the Victim Services Agency (VSA) of New York City and the National Organization of Black Law Enforcement Executives (NOBLE) for the following activities:

- Phase I (VSA). During this initial phase of training, law enforcement executives were provided with a clear understanding of the causes, nature and appropriate response to family violence. Executives were also assisted in developing effective operational procedures for their agencies through regional policy development conferences. Law enforcement agencies throughout the country were surveyed regarding their family violence policies, practices and training programs. Information collected was used to develop model operational procedures for handling family violence cases, training manuals for law enforcement executives and policy makers, and a training video tape.
- Phase II (VSA). Phase II was intended to give training officers the tools to implement effective policies and practices. VSA developed and conducted a training program for law enforcement training officers. A training manual entitled, "Training and Operational Procedures: A Coordinated Response to Domestic Violence" and a video tape were produced.
- Phase III (NOBLE). Utilizing the material produced under the previous grants, NOBLE has conducted regional training for State and local law enforcement executives and mid-level managers. This training will conclude in May 1990.

In FY 1989, OVC changed the grant program by offering several smaller grants and giving preference to applicants that were an organizational part of, or were affiliated with, State law enforcement training programs that have an ongoing role in training law enforcement personnel. This approach was taken in an effort to reach a greater number of law enforcement officers and to integrate family violence law enforcement training into State training systems. The purpose of the grant program is to develop and implement a training program which will become an ongoing part of State training programs for law enforcement personnel. Six grants were awarded in FY 1989. They included: Massachusetts Criminal Training Council; Pennsylvania Coalition Against Domestic Violence; Detroit Police Department; Kentucky Domestic Violence Association; Victim Services Agency; and North Dakota Council on Abused Women's Services.

Law enforcement training provided thus far under the auspices of the Family Violence Prevention and Services Act has had a significant impact. To date, training has been provided to approximately 1,200 persons representing 450 law enforcement agencies. A survey of the departments that received training indicated that of those that responded to the survey (58), 45 (78 percent of the respondents) changed their policies after their training. These jurisdictions affect a population of over 16 million people. Policy changes adopted by these agencies include: development and implementation of pro-arrest and/or mandatory arrest policies; expansion of victim assistance services; mandated reporting of all domestic violence incidents; increased community coordination; enhanced on-scene investigation; review and refining of definitions related to domestic violence;

and development of written policies. Prior to 1989, the training focused on broad policy issues and was national in scope. The approach adopted in giving preference to State law enforcement programs is meant to generate more State leadership and involvement in the training programs and support the development of State-specific revisions of ongoing training of officers in family violence intervention.

Purpose

OVC is making $360,000 available to State law enforcement agencies; organizations that have had previous experience in training law enforcement officers; law enforcement trainers; and law enforcement policy makers. The organizations selected will be required to demonstrate that they have full cooperation and agreement with State law enforcement agencies to train their officers.

The grantees are to develop and implement a training program for law enforcement policy makers and officers on the most effective procedures and policies for responding to incidents of family violence within a given State, and describe the plan for assuring that the training developed and implemented under the grant will continue to be an ongoing part of the training provided to law enforcement officers in the State.

Eligible Applicants

Applications will be accepted from any State or local law enforcement agency and their training academy and/or agency that has experience in training law enforcement policy makers and officers, particularly in responding to family violence incidents. As this program will focus primarily on training of law enforcement policy makers and developing a training curriculum for line officers within a particular State, the applicant should have experience in and knowledge about the applicable statute in that State. Further, as it is recognized that the amount of funds available for this program cannot address all the training needs of a particular State, preference will be given to applicants who demonstrate an investment of their resources in the development of this program. Resources may be in the form of staff time or utilization of existing training materials and facilities.

As competition will be based upon the best possible application, with no more than one application per State receiving funding, agencies and organizations representing a single State are encouraged to join together in developing an application.

Since the purpose of the program is to provide training to the maximum number of law enforcement officers, preference will be given to State law enforcement training programs which have an ongoing role in training of law enforcement personnel.

Program Description

Up to six projects will be funded. Each project must focus primarily on the training and policy development needs of an individual State; however, the training program should be broad enough so that law enforcement officials from neighboring States who wish to attend will benefit from the training.

OVC does not want to duplicate existing training efforts in a particular State. Our goal is to ensure that the information that has been developed under previous grants is utilized and made more relevant to specific State circumstances.

Under this program applicants are requested to review their current family violence training program and either update, modify, expand and/or supplement their current law enforcement family violence training curricula.

Each program should contain, at a minimum, the following components:

- Development and implementation of a training program for State and local law enforcement management personnel and policy makers on effective policies and procedures for responding to incidents of family violence. The program should include Statewide/regional training sessions for sheriffs, chiefs of police and other law enforcement policy makers and mid-level managers. The training sessions should be formatted and tailored to reach as many policy makers as possible. Further, in designing the training program, the applicant should consider adapting training materials that have been developed under previous grants or materials which are currently available. Funds could be used to modify, update, amend, or expand existing training documents.
- The curriculum should be applicable to all line law enforcement officers operating within a particular region or State. It should utilize current up-to-date information, procedures and policies. Applicants are encouraged to ensure that all material is consistent with State law and with accepted law enforcement practices regarding intervention in family violence situations. Many of the practices and polices advocated by OVC can be found in the recommendations of the Attorney General's Task Force on Family Violence and in materials developed by the Victim Services Agency (New York City) and the National Organization of Black Law Enforcement Executives (Washington, DC) under previous grants. Activities that would be acceptable under this portion of the program are:
- Development of short instructional video tapes. The tapes could present situations that a law enforcement officer would expect to encounter, and require the officer to take a course of action and explain the reasoning for taking this action.
- Revision of the existing training curriculum to incorporate actions that need to be taken because of the passage of new family violence related laws.
- Supplementing outdated training material with more relevant and timely material. Applicants may wish to consider supplementing existing material with computer software tailored to the training needs of law enforcement officers.
- Rewriting the existing curriculum to make it more specific for line officers. Some training curricula, while appropriate, are too long for all officers to attend. Reducing existing curricula so that more officers could benefit from the training would be allowable.
- Develop a plan for ensuring that the line officer training program developed under the auspices of or in conjunction with this grant program is implemented. The plan should include the steps the applicant will take to implement the program, the number of agencies that will be affected by the program and a time line for implementing the program.

Selection Criteria

In determining which applications to fund, OVC will consider the following:

1. Experience in developing and delivering law enforcement family violence training, including the expertise and background of staff assigned to this effort. (10 points)
2. Appropriateness of program design and approach to identified problem. (20 points)
3. Cost effectiveness and investment of agency's own training resources. (20 points)
4. Extent to which existing material is utilized and to which material and curricula conform to practices and policies of the Attorney General's Task Force on Family Violence and materials developed under previous grants. (10 points)
5. The number of persons and law enforcement agencies that will benefit from training received under this grant program. (20 points)
6. Feasibility of plans to continue the training after the grant has ended. Each application should contain a description

of how the efforts described in the grant application will be continued when program funds expire. (20 points)

Funds Available

OVC will make up to $360,000 available for this program effort.

Grant Period and Award Amount

OVC anticipates making up to six grants. The grants can extend for 18 months and will cover 100 percent of the project costs. Though no matching funds are required, preference will be given to applicants who demonstrate an investment of their own resources in the development of this program. It is anticipated that grant awards will range from $50,000 to $75,000.

Application Deadline

All applications must be received by the close of business (5 p.m. Eastern Daylight Time) August 27, 1990 at OVC, 633 Indiana Avenue NW., room 1352, Washington, DC 20531.

Applications

Applicants should submit an original and two (2) copies of their completed proposal by the deadline established above. All submissions must include:

1. A completed and signed Federal Assistance application on the current Standard Form 424, (Revision April 1988), including the Certified Assurances. Copies of the required forms, and any information or clarification regarding them, may be obtained by writing to Duane Ragan, Ph.D., OVC, 633 Indiana Avenue NW., room 1386, Washington, DC, 20531. (202) 307–5947.

2. Form 4061/3 (Certification Regarding Drug-Free Work Place Requirements).

3. OJP Form 4061/2 (Certification Regarding Debarment, Suspension, and Other Responsibility Matters).

4. OMB Standard Form LLL (Disclosure of Lobbying Activities).

5. An abstract of the full proposal, not to exceed one page.

6. Copies of vitae for professional staff.

7. A program narrative of not more than twenty (20) doublespaced typed pages which include the following:

a. A clear, concise statement of the issues surrounding the problem and a summary of how the proposed work conforms to the recommendations of the Attorney General's Task Force on Family Violence;

b. A clear statement of the project objectives including an approximation of the number of law enforcement personnel to be trained, a list of the major milestones of events, activities, products, and a timetable for completion;

c. A clear statement which describes the approach and strategy to be utilized in responding to each of the tasks identified in the program description. Applicants should indicate how the training package will be individualized for the proposed target audience, and how the organization plans to maximize attendance;

d. Plan for continuing the training efforts to be funded by the proposed grant after the grant has ended;

e. The proposed organization and management plan, including, at a minimum, the staff of the project, with their experience, the time commitments of the staff to individual project tasks and current agency training resources used to support the project;

f. A proposed budget outlining all direct and indirect costs contemplated by the applicant. Proposed expenditures should be listed for each of the following categories: personnel, fringe benefits, travel, equipment, supplies, contractual, and indirect cost. A short narrative justification of each budgeted cost should also be included;

8. In order to facilitate handling, please do not use covers, binders, or tabs.

The original and two copies of the application must be sent or hand delivered to: OVC, 633 Indiana Avenue NW., room 1352, Washington, DC 20531, by the deadline established above.

Information regarding past law enforcement training efforts is also available from the two prior grantees. These organizations are: The National Organization of Black Law Enforcement Executives and the Victim Services Agency, New York. Additionally, information concerning model programs and practices are available from the National Criminal Justice Reference Service, 1600 Research Boulevard, Rockville, Maryland 20850, and the National Victims Resource Center, Box 6000, Rockville, Maryland 20850, (800) 627–6872.

Notification Under Executive Order 12372

This program provides support for training and technical assistance for law enforcement and other personnel to assist in addressing issues related to family violence. DHIH, under whose authority these funds are transferred to DOJ, excludes this program from coverage under Executive Order 12372. This training and technical assistance program is national in scope and the statutory requirement for "regionally based training" will be offered by selected grantees in a few cities nationwide. Therefore, the requirements of Executive Order 12372 are waived.

Carolyn A. Hightower,

Acting Director, Office for Victims of Crime.

[FR Doc. 90–16380 Filed 7–12–90; 8:45 am]

BILLING CODE 4410–18–M

Office for Victims of Crime; Family Violence Information Dissemination Program

AGENCY: U.S. Department of Justice, Office of Justice Programs, Office for Victims of Crime.

ACTION: Notice of availability of funds and request for applications for Family Violence Information Dissemination Program grants.

SUMMARY: The Office for Victims of Crime (OVC) is publishing this notice to announce the availability of funds to provide victims with: (a) Information regarding services that are available to victims of family violence; and (b) documentation of family violence incidents. Grants will be made available to local law enforcement agencies, working in coordination with local social service agencies, shelters and hospitals, to develop and disseminate materials related to the rights of abused family members and the services available to abused family members. The law enforcement agencies will also be required to work with other service providers to develop procedures whereby an abused family member can receive a written report of each incident of physical abuse reported, as well as a copy of the initial police report.

DATES: Applications for these funds must be received by 5 p.m. EDT on August 27, 1990.

ADDRESSES: Address applications to: Office for Victims of Crime, Room 1352, 633 Indiana Avenue NW., Washington, DC 20531.

FOR FURTHER INFORMATION CONTACT: Duane Ragan, Ph.D., at the above address. Telephone: (202) 307–5947.

SUPPLEMENTARY INFORMATION:

Statutory Authority

The authority for this program is found in 303(b) of title III of the Child Abuse Prevention, Adoption, and Family Services Act of 1988 (Pub. L. 100–294), 42 U.S.C. 10410(b)(2)(A). Title III of this Act is entitled the "Family Violence Prevention and Services Act."

The Family Member Abuse Information and Documentation Project, growing out of the provisions of 42 U.S.C. 10410(b)(2)(A), applies specifically to local law enforcement

agencies providing various forms of information to persons who are victims of family violence.

The responsibilities for implementing the provisions of this section of the Act are delegated to the Attorney General under the provisions of 42 U.S.C. 10410(c). The Secretary of the Department of Health and Human Services (DHHS) has the responsibility for implementing the sections of the Act that are not delegated to the Attorney General.

Background

This is the second year of funding for the Family Violence Information Dissemination Program. In 1989, OVC received $40,000 from the DHHS to administer the Information Dissemination portion of the Family Violence Prevention and Services Act.

In the same year, four grants were awarded to the following organizations:

- Denver Police Department
- Rochester Police Department
- City of Monroe, Planning and Urban Development Division
- City of Pueblo Police Department

The information and documentation provisions of the Act are intended to encourage the official reporting of incidents of family violence. Under the Act, DHHS is now required to develop data on the victims of family violence and their dependents based on injuries that are brought to the attention of hospital, social service, or law enforcement personnel whether or not formal civil or criminal action is taken. Further, in addition to requiring the collection of data, the Act now requires that information concerning the availability of services and shelters be placed into the hands of the victims as soon as possible.

Purpose

OVC is making $40,000 available to local law enforcement agencies for grants not to exceed $10,000 in order to improve the information available to victims of family violence. Specifically, the funds will be used to: Develop and distribute informational materials to family violence victims; develop procedures whereby domestic violence shelters, hospitals, social service agencies and local law enforcement agencies provide family violence victims with a written report related to the abuse reported by that individual; and develop a system whereby domestic violence shelters or local social service personnel, with the consent of the victim, may obtain a report from the local law enforcement agency that describes the victim's abuse and the initial contact of such family member and the law enforcement agency.

Eligible Applicants

Applications will be accepted from any local law enforcement agency including: town or village police departments, city police departments, county police departments, and sheriffs departments. The chief executive of any town, village, city or county can make application on behalf of his or her law enforcement agency if assurances are provided within the application that the local law enforcement agency supports the application. Applications submitted directly from a local law enforcement agency must be submitted by the head of the agency.

Program Description

The Family Violence Information Dissemination Program contains three program elements. In order to be eligible for funding consideration, each applicant must address each of the elements. The three elements of the program are:

1. Development of informational materials for family violence victims. Law enforcement agencies are requested to either develop, revise and/or reprint materials that can be used by law enforcement officers, hospital personnel, social service personnel, educational counseling personnel, and other personnel involved in the identification of family violence cases. The materials should contain: information that relates to the rights of the victim under the law of the jurisdiction involved; the services available to the abused family member, including intervention, treatment, and support services; and phone numbers and addresses for these services.

Informational materials should be developed in sufficient quantity to meet the needs of a particular community or jurisdiction and should be relevant and appropriate to the population served. Areas serving populations where English is primarily the second language are encouraged to develop materials that are culturally relevant and in a form and language that is clearly comprehended.

To ensure appropriateness of material, applicants are encouraged to involve personnel from other agencies which respond to family violence cases. Further, the applicant must provide assurances from these other agencies of collaborative efforts and that the material will be utilized.

2. Development of procedures whereby domestic violence shelters, hospitals, social service agencies and local law enforcement agencies provide family violence victims with a written report related to the abuse reported by that individual. Law enforcement agencies are required to work with agencies that commonly are involved in the identification of family violence cases in developing and implementing a procedure that ensures that victims of family violence receive a written report of each incident of abuse reported. The applicant must secure cooperation of the appropriate agencies and the assurance from agencies that they will comply with the procedures that are developed.

3. Development of a system whereby domestic violence shelters or local social service personnel, with the consent of the victim, may obtain information from the local law enforcement agency relating to abuse of the victim, including a report describing the initial contact with family members and the law enforcement agency. One of the problems experienced by family violence victims is that incident reports regarding their victimization have not been made available to the victim. Without this documentation, victims have often had difficulty in obtaining timely judicial relief and protection. Applicants must describe the method for making available to the victim, or an authorized representative of the victim, incident reports in all family violence cases which they are called to investigate. Applicants must also provide assurances that the process developed will be utilized.

Selection Criteria

In determining which applications to fund, OVC will consider the following:

1. The degree to which the applicant has addressed the three program requirements, including obtaining all applicable assurances of cooperation:

a. development and production of informational materials; (20 points)

b. development and implementation of procedures to ensure that family violence victims receive a written report of each incident; (20 points)

c. development and implementation of a method for making the law enforcement agency's information available to family violence victims. (20 points)

2. The comprehensiveness of the proposed material to be developed and evidence of involvement of appropriate agencies. (10 points)

3. The ethnic and cultural relevance of the material to be developed, depending upon the composition of the community. (10 points)

4. The costs and benefits of the material and procedures to be developed, to include how many people will benefit from this program and the

likelihood that programs will become self-sustaining. (10 points)

5. The demonstrated need for development of new and/or revised materials and procedures in the community. (10 points)

Grant Period and Award Amount

OVC will make $40,000 available for this program. OVC anticipates making up to four grants. The grants will be for 12 months and will cover 100 percent of the project costs. Applicants are requested to prepare a budget not to exceed $10,000.

Application Deadline

All applications must be received by the close of business (5 p.m. Eastern Daylight Time) August 27, 1990, at OVC, 633 Indiana Avenue NW., Room 1352, Washington, DC 20531.

Applications

Applicants should submit an original and two copies of their completed proposal by the deadline established above. All submissions must include:

1. A completed and signed Federal Assistance application on the current Standard Form 424, (Revision April 1988), including the Certified Assurances. Copies of the required forms, and any information or clarification regarding them, may be obtained by writing OVC, Duane Ragan, Ph.D., 633 Indiana Avenue NW., room 1352, Washington, DC, 20531. (202) 307-5947.

2. OJP Form 4061/3 (Certification Regarding Drug-Free Work Place Requirements).

3. OJP Form 4061/2 (Certification Regarding Debarment, Suspension, and Other Responsibility Matters).

4. OMB Standard Form LLL (Disclosure of Lobbying Activities).

5. An abstract of the full proposal, not to exceed one page.

6. A program narrative of not more than 10 double-spaced typed pages. The narrative should describe how the applicant intends to address each of the three program elements.

7. A proposed budget outlining all direct and indirect costs contemplated by the applicant. Proposed expenditures should be listed for each of the following categories: personnel, fringe benefits, travel, equipment, supplies, contractual, and indirect costs. A short narrative justification of each budgeted cost should also be included.

The original and two copies of the application must be sent or hand delivered to: OVC, 633 Indiana Avenue, NW., room 1352, Washington, DC 20531, by the deadline established above.

Information concerning model programs and practices is available from the National Criminal Justice Reference Service, 1600 Research Boulevard, Rockville, Maryland 20850, and the National Victims Resource Center, Box 6000, Rockville, Maryland 20850 (800) 627-6872.

Notification Under Executive Order 12372

This program provides support for training and technical assistance for law enforcement and other personnel as well as the development of materials and procedures to assist in addressing issues related to family violence. DHHS, under whose authority these funds are transferred to the Department of Justice, excludes this program from coverage under Executive Order 12372. As this program is national in scope, the requirements of Executive Order 12372 are waived.

Steven D. Dillingham,

Acting Deputy Director, Office for Victims of Crime.

[FR Doc. 90-16381 Filed 7-12-90; 8:45 am]

BILLING CODE 4410-18-M

DEPARTMENT OF LABOR

Office of the Secretary

Agency Recordkeeping/Reporting Requirements Under Review by the Office of Management and Budget (OMB)

Background

The Department of Labor, in carrying out its responsibilities under the Paperwork Reduction Act (44 U.S.C. Chapter 35), considers comments on the reporting and recordkeeping requirements that will affect the public.

List of Recordkeeping/Reporting Requirements Under Review

As necessary, the Department of Labor will publish a list of the Agency recordkeeping/reporting requirements under review by the Office of Management and Budget (OMB) since the last list was published. The list will have all entries grouped into new collections, revisions, extensions, or reinstatements. The Departmental Clearance Officer will, upon request, be able to advise members of the public of the nature of the particular submission they are interested in. Each entry may contain the following information:

The Agency of the Department issuing this recordkeeping/reporting requirement.

The title of the recordkeeping/reporting requirement.

The OMB and Agency identification numbers, if applicable.

How often the recordkeeping/reporting requirement is needed.

Who will be required to or asked to report or keep records.

Whether small businesses or organizations are affected.

An estimate of the total number of hours needed to comply with the recordkeeping/reporting requirements and the average hours per respondent.

The number of forms in the request for approval, if applicable.

An abstract describing the need for and uses of the information collection.

Comments and Questions

Copies of the recordkeeping/reporting requirements may be obtained by calling the Departmental Clearance Officer, Paul E. Larson, telephone (202) 523-6331. Comments and questions about the items on this list should be directed to Mr. Larson, Office of Information Management, U.S. Department of Labor, 200 Constitution Avenue, NW., Room N-1301, Washington, DC 20210. Comments should be sent to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for (BLS/DM/ESA/ETA/OLMS/MSHA/OSHA/PWBA/VETS), Office of Management and Budget, Room 3208, Washington, DC 20503 (Telephone (202) 395-6880).

Any member of the public who wants to comment on a recordkeeping/reporting requirement which has been submitted to OMB should advise Mr. Larson of this intent at the earliest possible date.

Revision

Departmental Management
National Agricultural Workers Survey (NAWS)
Individuals or households; Farms; Businesses or other for profit 4,610 respondents; 58 minutes per responses; 4,479 hours; 1 form. The Immigration and Nationality Act (INA) as amended by the Immigration Reform and Control Act (IRCA) requires the Department of Labor and Department of Agriculture to estimate the departure rate from Seasonal Agricultural Services (SAS) agriculture and to analyze information about wages, working conditions, and recruitment practices. This survey will gather data necessary to make these estimates and carry out these analyses.

Extension

Occupational Safety and Health Administration
Grantee Quarterly Progress Report
1218-0100; OSHA 171
Quarterly

Non-profit institutions

30 respondents; 1,440 total burden hours; 12 average hours per response

The Grantee Quarterly Progress Report is used to collect information concerning activities conducted by grantees under the OSHA training grants programs. The information issued to monitor the uses to which Federal grant funds are put and to provide OSHA with information it needed to manage the programs.

Departmental Management—President's Committee on Employment of People With Disabilities

Job Accommodations Network (JAN)

1225–0022

On occasion; quarterly; annually

Individuals or households; State or local governments; Farms; Businesses or other for-profit; Federal agencies or employees; Non-profit institutions; Small businesses or organizations 5,200 respondents; 2,600 total burden hours; 30 average minutes per response.

The Committee has established the JAN to provide information on possible accommodations to employers and others desiring to hire, retain, or promote disabled persons within the work setting. Continued use of this information collection will enhance the effectiveness of the computer-based information resources which may be accessed by representatives of business, rehabilitation professionals and other service providers for the purpose of identifying accommodations which will assist handicapped persons in obtaining/maintaining employment.

Qualifications Inquiry for Positions in the Local 12 Bargaining Unit—DL 1–1103

1225–0016, PERS–5

On occasion

Individuals or households

1,000 respondents; 250 total burden hours; 15 average minutes per response

This form is required under the Department of Labor's negotiated Merit Staffing Plan for positions in the Local 12 bargaining unit to collect information by the Personnel Office from the applicant's supervisor. The information will be used by raters to evaluate outside applicants against the requirements of the vacancy to be filled.

Signed at Washington, DC this 10th day of July, 1990.

Paul E. Larson,

Departmental Clearance Officer.

[FR Doc. 90–16409 Filed 7–12–90; 8:45 am]

BILLING CODE 4510–23–M

Employment Standards Administration

Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination; Decisions

General wage determination decisions of the Secretary of Labor are issued in accordance with applicable law and are based on the information obtained by the Department of Labor from its study of local wage conditions and data made available from other sources. They specify the basic hourly wage rates and fringe benefits which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of a similar character and in the localities specified therein.

The determinations in these decisions of prevailing rates and fringe benefits have been made in accordance with 29 CFR part 1, by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR part 1, Appendix, as well as such additional statutes as may from time to time be enacted containing provisions for the payment of wages determined to be prevailing by the Secretary of Labor in accordance with the Davis-Bacon Act. The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public comment procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in the effective date as prescribed in that section, because the necessity to issue current construction industry wage determinations frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions, and modifications and supersedeas decisions thereto, contain no expiration dates and are effective from their date of notice in the **Federal Register**, or on the date written notice is received by the agency, whichever is earlier. These decisions are to be used in accordance with the provisions of 29 CFR parts 1 and 5. Accordingly, the applicable decision, together with any modifications issued, must be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR part 5. The wage rates and fringe benefits, notice of which is published herein, and which are contained in the Government Printing Office (GPO) document entitled "General Wage Determinations Issued Under The Davis-Bacon And Related Acts," shall be the minimum paid by contractors and subcontractors to laborers and mechanics.

Any person, organization, or governmental agency having an interest in the rates determined as prevailing is encouraged to submit wage rate and fringe benefit information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Division of Wage Determinations, 200 Constitution Avenue, NW., Room 2–3014, Washington, DC 20210.

Modifications to General Wage Determination Decisions

The numbers of the decisions listed in the Government Printing Office document entitled "General Wage Determinations Issued Under the Davis-Bacon and Related Acts" being modified are listed by Volume, State, and page number(s). Dates of publication in the **Federal Register** are in parentheses following the decisions being modified.

Volume I

Florida: FL90–45 (Jan. 5, 1990)..... p. 209, pp. 210–211

Volume II

Minnesota:
- MN90–5 (Jan. 5, 1990)..... p. 553, p. 554
- MN90–7 (Jan. 5, 1990)..... p. 563, pp. 564–569, 571
- MN90–8 (Jan. 5, 1990)..... p. 583, pp. 584–588

Missouri:
- MO90–1 (Jan. 5, 1990)..... p. 627, pp. 631–636, pp. 640–646
- MO90–4 (Jan. 5, 1990)..... p. 667, p. 668
- MO90–7 (Jan. 5, 1990)..... p. 685, 686

New Mexico: NM90–3 (Jan. 5, 1990). p. 769, pp. 770–771

Texas:
- TX90–29 (Jan. 5, 1990)..... p. 1057
- TX90–47 (Jan. 5, 1990)..... p. 1123

Volume III:
Arizona: AZ90-2 (Jan. 5, 1990).... p. 15
p. 19
Colorado: CO90-2 (Jan. 5, 1990).. p. 117
p. 118
Idaho: ID90-1 (Jan. 5, 1990)..... p. 147
pp. 148-149
Oregon: OR90-1 (Jan. 5, 1990)..... p. 309
pp. 310-312
Washington:
WA90-1 (Jan. 5, 1990)..... p. 369
pp. 370-374
pp. 376-377
pp. 391-392
WA90-2 (Jan. 5, 1990)..... p. 395
396-397
WA90-3 (Jan. 5, 1990)..... p. 405
p. 406
WA90-5 (Jan. 5, 1990)..... p. 413
p. 415
WA90-6 (Jan. 5, 1990)..... p. 425
p. 426

General Wage Determination Publication

General wage determinations issued under the Davis-Bacon and related Acts, including those noted above, may be found in the Government Printing Office (GPO) document entitled "General Wage Determinations Issued Under The Davis-Bacon And Related Acts". This publication is available at each of the 50 Regional Government Depository Libraries and many of the 1,400 Government Depository Libraries across the country. Subscriptions may be purchased from:

Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402, (202) 783-3238

When ordering subscription(s), be sure to specify the State(s) of interest, since subscriptions may be ordered for any or all of the three separate volumes, arranged by State. Subscriptions include an annual edition (issued on or about January 1) which includes all current general wage determinations for the States covered by each volume. Throughout the remainder of the year, regular weekly updates will be distributed to subscribers.

Signed at Washington, DC. this 6th day of July 1990.

Alan L. Moss,

Director, Division of Wage Determinations.

[FR Doc. 90-16181 Filed 7-12-90; 8:45 am]

BILLING CODE 4510-27-M

Occupational Safety and Health Administration

Shipyard Employment Standards Advisory Committee (SESAC)

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Notice of renewal.

SUMMARY: Notice is hereby given that after consultation with the General Services Administration, the Shipyard Employment Standards Advisory Committee (SESAC), whose charter expires on July 11, 1990, is hereby renewed for the period of July 11, 1990 to July 11, 1992. This action is necessary and in the public interest.

The Committee will continue to advise the Assistant Secretary of Labor for Occupational Safety and Health on the preparation of one comprehensive set of standards for the shipbuilding, ship repair and shipbreaking industries, by combining part 1910 and part 1915 standards, and by updating, reorganizing, clarifying, and simplifying those standards.

The Committee consists of 15 members and proportionately includes individuals appointed to represent the following interests: labor organizations; industry; Federal safety and health officials; State health and safety officials; professional organizations and national standards-setting groups.

The Committee will function solely as an advisory body and in compliance with the provisions of the Federal Advisory Committee Act. Accordingly, its Charter will be filed 15 days from the date of this notice.

ADDRESSES: Interested persons are invited to submit comments regarding the renewal of the Shipyard Employment Standards Advisory Committee. Such comments should be addressed to: Mr. Tom Hall, Occupational Safety and Health Administration, Division of Consumer Affairs, room N3647, 200 Constitution Avenue NW., Washington, DC 20210. Telephone (202) 523-8617.

Signed at Washington, DC, this 9th day of July, 1990.

Gerald F. Scannell,

Assistant Secretary of Labor.

[FR Doc. 90-16408 Filed 7-12-90; 8:45 am]

BILLING CODE 4510-26-M

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-313 and 50-368]

Energy Operations, Inc., Arkansas Nuclear One, Units 1 and 2; Issuance of Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering the issuance of proposed amendments to Facility Operating License Nos. DPR-51 and NFP-6, issued to Arkansas Power and Light Company (AP&L), for operation of Arkansas Nuclear One, Units 1 and 2 (ANO-1&2), located in Pope County, Arkansas.

Identification of Proposed Action

The amendments would consist of changing the license for each unit to extend the expiration date of the operating license. Specifically, for ANO-1, the expiration date for Operating License (OL) No. DPR-51 would be changed from December 6, 2008 to May 20, 2014 and for ANO-2 the expiration date for Operating License No. NPF-6 would be changed from December 6, 2012 to July 18, 2018.

Summary of Environmental Assessment

The Commission's staff has reviewed the potential environmental impact of the proposed change in the expiration date of the OL for ANO-1 and the OL for ANO-2. This evaluation considered the previous environmental studies, including the Final Environmental Statement (FES) for each unit dated February 1973 (ANO-1) and June 1977 (ANO-2), and more recent NRC policy.

Radiological Impacts

Based on 1980 U.S. Census date, the revised estimate of the population within 50 miles of the ANO site by the year 2018 was projected to increase to 422,529 while the FES projected a population of about 255,529 in 2016. Even considering this increase in population, the estimated population dose from the operation of the two units will remain very small compared to the population dose from natural background, estimated to be 16,000 person-REM. The additional period of operation for each unit will not significantly affect the probability or consequences of any reactor accident. Thus, the conclusion reached in the FES for each unit remains unchanged.

The staff stated in their proposed no significant hazards consideration determination dated February 8, 1989, that the change in the expiration date of the operating license for each unit is consistent with the originally engineered design life of each plant, i.e. 40-years of operation. The potential effects of the full 40 year operational life for each unit have been previously considered in the Safety Analyses. In addition considering design conservatism, surveillance, inspection, testing, and maintenance programs in place to sustain the condition of the plants throughout their service life, the probability or consequences of previously evaluated accidents has not been significantly increased for the units. Further, continued plant operation in accordance with the Technical Specifications assure that an adequate margin of safety will be preserved on a continuing basis through the new expiration date of each operating license.

Regarding the environmental impacts of the uranium fuel cycle, the additional years of operation at each unit will proportionately increase the total fissile uranium required. However the annual environmental effects of the fuel cycle activities including that of transportation of the fuel and associated wastes will be essentially unchanged from that noted in the two FESs. This is based on the fact that each plant has extended its fuel cycle from 12 to 18 months resulting in a reduction in the annual fuel requirements and the number of required shipments.

With regard to normal plant operation, AP&L complies with Commission guidance and requirements for keeping radiation exposures to ALARA for occupational exposures, and for radioactivity in effluents. AP&L would continue to comply with these requirements during any additional years of facility operation and also would apply advanced technology when available to and appropriate. Accordingly, radiological impacts on man, both onsite and offsite, are not significantly more severe than previously estimated in the FES for each unit.

Non-Radiological Impacts

The Commission has concluded that the proposed extension will not cause a significant increase in the impacts to the environment and will not change any conclusions reached by the Commission in the FES for each unit.

Finding of No Significant Impacts

The Commission has determined not to prepare an environmental impact statement for the proposed action. The staff has reviewed the proposed license amendments relative to the requirements set forth in 10 CFR part 51. Based on this assessment, the staff concludes that there are no significant radiological or non-radiological impacts associated with the proposed action and that the proposed action will not change any conclusions reached by the Commission in the FES. Therefore, pursuant to 10 CFR 51.31, an environmental impact statement need not be prepared for this action. Based upon this environmental assessment, the Commission concludes that the proposed action will not have a significant effect on the quality of the human environment.

For further details with respect to this action, see (1) The applications for amendments dated October 20, 1987 as supplemented on September 27, 1989 for Units 1 and 2 and January 29, 1990 for Unit 1 only, (2) the Final Environmental Statements related to operation of ANO–1&2 issued February 1973 and June 1977 respectively, and (3) the Environmental Assessment dated July 6, 1990. These documents are available for public inspection at the Commission's Public Document Room, the Gelman Building 2120 L Street, NW., Washington, DC 20555 and at the Tomlinson Library, Arkansas Tech University, Russellville, Arkansas 72801.

Dated at Rockville, Maryland, this 6th day of July 1990.

For the Nuclear Regulatory Commission.

Richard F. Dudley,

Acting Director, Project Directorate IV–1, Division of Reactor Projects—III, IV, V and Special Projects, Office of Nuclear Reactor Regulation.

[FR Doc. 90–16418 Filed 7–12–90; 8:45 am]
BILLING CODE 7590–01–M

[Docket No. 50–458]

Gulf States Utilities Company; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. NPF–47, issued to Gulf States Utilities Company, (the licensee), for operation of River Bend Station, Unit No. 1, located in West Feliciana Parish, Louisiana.

Environmental Assessment

Identification of Proposed Action

By letter dated May 14, 1990, as supplemented by letter dated June 26, 1990, the licensee proposed to change the Technical Specifications (TS) to increase the operating suppression pool temperature limit from 95 °F to 100 °F. Seasonal high ambient temperatures and other heat sources which discharge to the suppression pool can cause the pool temperature to approach the current 95 °F limit and possibly enter the TS ACTION statement. This can result in extended operation of suppression pool cooling systems and, if the suppression pool temperature cannot be reduced, in a plant shutdown.

The Need for the Proposed Action

The proposed change to the TS is required in order to provide an increase of 5 °F in the suppression pool temperature limit to alleviate the potential for power reduction or shutdown as the result of increasing suppression pool temperature.

Environmental Impacts of the Proposed Action

The Commission has completed its evaluation of the proposed revision to TS and concludes that the increase in the allowable suppression pool temperature limit from 95 °F to 100 °F is acceptable. All containment dynamic loads that are affected by the change were initially designed and analyzed at 100 °F. Therefore, the design basis events utilizing an initial suppression pool temperature are bounded by the design limits. Additionally, there is adequate margin to all design limits. The 105 °F limit on allowable pool temperature during safety system testing which adds heat to the suppression pool and the suppression pool temperature limit requiring immediate plant shutdown (110 °F) and vessel depressurization (120 °F) will remain unchanged. Therefore, the proposed changes do not increase the probability or consequences of accidents, no changes are being made in any types of any effluents that may be released offsite, and there is no significant increase in the allowable individual or cumulative occupational radiation exposure. Accordingly, the Commission concludes that this proposed action would result in no significant radiological environmental impact.

With regard to potential nonradiological impacts, the proposed changes involve systems located within the restricted area as defined in 10 CFR part 20. It does not affect nonradiological plant effluents and has no other environmental impact. Therefore, the Commission concludes that there are no significant nonradiological environmental impacts associated with the proposed amendment.

The Notice of Consideration of Issuance of Amendment and Opportunity for Hearing in connection with this action was published in the Federal Register on June 13, 1990 (55 FR 24013). No request for hearing or petition

for leave to intervene was filed following this notice.

Alternative to the Proposed Action

Since the Commission concluded that there are no significant environmental effects that would result from the proposed action, any alternatives with equal or greater environmental impacts need not be evaluated.

The principal alternative would be to deny the requested amendment. This would not reduce environmental impacts of plant operation and would result in reduced operational flexibility.

Alternative Use of Resources

This action does not involve the use of any resources not previously considered in the Final Environmental Statement for River Bend Station, Unit No. 1, dated January 1985 (NUREG–1073).

Agencies and Persons Consulted

The NRC staff reviewed the licensee's request and did not consult other agencies or persons.

Finding of No Significant Impact

The Commission has determined not to prepare an environmental impact statement for the proposed license amendment.

Based upon the foregoing environmental assessment, we conclude that the proposed action will not have a significant effect on the quality of the human environment.

For further details with respect to this action, see the application for amendment dated May 14, 1990, and a supplement dated June 26, 1990, which are available for public inspection at the Commission's Public Document Room, 2120 L Street NW., Washington, DC and at the Government Documents Department, Louisiana State University, Baton Rouge, Louisiana 70803.

Dated at Rockville, Maryland, this 9th day of July 1990.

For the Nuclear Regulatory Commission.

Christopher I. Grimes,

Director, Project Directorate IV–2, Division of Reactor Projects–III, IV, V and Special Projects, Office of Nuclear Reactor Regulation.

[FR Doc. 90–16421 Filed 7–12–90; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–286]

Power Authority of the State of New York; Consideration of Issuance of Amendment to Facility Operating License and Opportunity for Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. DPR–64, issued to the Power Authority of the State of New York (the licensee or the Authority), for operation of the Indian Point Nuclear Generating Unit No. 3 located in Westchester County, New York.

The amendment would revise Technical Specification 5.3.A.1 to permit the replacement of fuel rods with Zircaloy-4 or stainless steel filler rods, or with open water channels, if justified by cycle-specific reload analyses. Additionally, a special report will be required if more than 30 rods in the core or 10 rods in any assembly are replaced per refueling. The proposed changes are in accordance with the guidance provided by Generic Letter 90–02, "Alternative Requirements for Fuel Assemblies in the Design Features Section of Technical Specifications."

Existing Specification 5.3.A.1 states that each assembly contains 204 fuel rods. The proposed change to Specification 5.3.A.1 will provide for the flexibility to deviate from the nominal number of fuel rods per assembly without the need to request future amendments to the Technical Specifications. This reduces the burden of processing changes for both the Commission and the Authority. Additionally, the change will permit the timely removal of fuel rods that are found to be leaking during a refueling outage or are determined to be probable sources of future leakage. This will provide for reductions in future occupational radiation exposure and plant radiological releases.

The replacement of fuel rods with filler rods or open water channels would be justified by a cycle-specific reload analysis using a Commission-approved methodology to ensure that the existing safety criteria and design limits are met.

In accordance with the Generic Letter, a special report shall be submitted to the Commission if more than 30 rods in the core or 10 in any assembly are replaced per refueling. The report shall state the number of rods replaced per assembly. This requirement is included in the proposed changes to Specifications 5.3.A.1 and 6.9.2.

The proposed revisions are in accordance with the licensee's application dated June 21, 1990.

Prior to issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

By August 13, 1990, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR part 2. Interested persons should consult a current copy of 10 CFR 2.714 which is available at the Commission's Public Document Room, the Gelman Building, 2120 L Street NW., Washington, DC 20555 and at the Local Public Document Room located at White Plains Public Library, 100 Martine Avenue, White Plains, New York 10601. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of

the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfied these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Services Branch, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street NW., Washington, DC 20555, by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at 1-(800) 325-6000 (in Missouri 1-(800) 342-6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to Robert A. Capra: Petitioner's name and telephone number; date petition was mailed; plant name; and publication date and page number of this **Federal Register** notice. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to Mr. Charles M. Pratt, 10 Columbus Circle, New York, New York 10019, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding office or the presiding Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)-(v) and 2.714(d).

If a request for a hearing is received, the Commission's staff may issue the amendment after it completes its technical review and prior to the completion of any required hearing if it publishes a further notice for public comment of its proposed finding of no significant hazards consideration in accordance with 10 CFR 50.91 and 50.92.

For further details with respect to this action, see the application for amendment dated June 21, 1990, which is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street NW., Washington, DC 20555, and at the Local Public Document Room, White Plains Public Library, 100 Martine Avenue, White Plains, New York 10601.

Dated at Rockville, Maryland, this 3rd day of July, 1990.

For the Nuclear Regulatory Commission.

Robert A. Capra,

Director, Project Directorate I-1, Division of Reactor Projects—I/II, Office of Nuclear Reactor Regulation.

[FR Doc. 90-16419 Filed 7-12-90; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 72-7, 50-255]

Consumers Power Co.; Availability of Environmental Report; Consideration of Issuance of a Materials License for the Storage of Spent Fuel and Notice of Opportunity for a Hearing

The Nuclear Regulatory Commission (the Commission) is considering an application dated March 12, 1990, for a materials license, under the provisions of 10 CFR part 72, from Consumers Power Company (the applicant or CPCo) to possess spent fuel and other radioactive materials associated with spent fuel storage in an independent spent fuel storage installation (ISFSI) located in Van Buren County, Michigan. (The Receipt and Availability of Application For Materials License For Storage of Spent Fuel was published in the **Federal Register** on April 19, 1990, 55 FR 14886.) If granted, the license will authorize the applicant to store spent fuel in dry storage concrete casks at the applicant's Palisades Nuclear Plant (Operating License DPR-20). Pursuant to the provisions of 10 CFR part 72, the term of the license for the ISFSI would be twenty (20) years.

The applicant has also filed, pursuant to the National Environmental Policy Act of 1969 and the regulations of the Commission in 10 CFR part 51, an environmental report, the "Palisades Nuclear Plant Independent Spent Fuel Storage Installation Environmental Report," dated May 31, 1990. The report which discusses environmental considerations related to the proposed facility is available, under Docket Number 72-7 (50-255), for public inspection at the Commission's Public Document Room and at the Local Public Document Room.

Prior to issuance of the requested license, the Commission will have made the findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The issuance of the materials license will not be approved until the Commission has reviewed the proposal and has concluded that approval of the license will not be inimical to the common defense and security and will not constitute an unreasonable risk to the health and safety of the public. The NRC will complete an environmental eevaulation, in accordance with 10 CFR part 51, to determine if the preparation of an environmental impact statement is warranted or if an environmental assessment and Finding of No Significant Impact are appropriate. This action will be the subject of a subsequent notice in the **Federal Register.**

Pursuant to 10 CFR 2.105 and 2.1107, by August 13, 1990, the licensee may file a request for a hearing; and any person whose intereset may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene with respect to the subject materials license in accordance with the provisions of 10 CFR 2.714. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel will rule on the request and/or petition, and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order. In the event that no request for hearing or petition for leave to intervene is filed by the above date, the Commission may, upon satisfactory completion of all evaluations, issue the materials license without further prior notice.

A petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order that may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend a petition, without requesting leave of the Board up to 15 days prior to the holding of the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the action under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfied these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street NW., Washington, DC, by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to western Union at 1-(800) 325-6000 (in Missouri 1-(800) 342-6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to Richard E. Cunningham, Director, Division of Industrial and Medical Nuclear Safety, Office of Nuclear Material Safety and Safeguards: Petitioner's name and telephone number; date petition was mailed; plant name; and publication date and page number of this Federal Register notice. A copy of the petition should also be sent to the Office of the Genreal Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to Judd L. Bacon, Esq., Consumers Power Company, 212 W. Michigan Avenue, Jackson, Michigan 49201, General Counsel for the applicant.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)-(v) and 2.714(d).

The Commission hereby provides notice that this proceeding concerns an application for a license falling within the scope of section 134 of the Nuclear Waste Policy Act of 1982 (NWPA), 42 U.S.C. 10154. Under section 134 of NWPA, the Commission, at the request of any petitioner or any party to the proceeding, must use hybrid hearing procedures with respect to "any matter which the Commission determines to be in controversy among the parties." The hybrid procedures in section 134 provide for oral argument on matters in controversy, preceded by discovery under the Commission's rules, and the designation, following argument, of only those factual issues that involve a genuine and substantial dispute, together with any remaining questions of law, to be resolved in an adjudicatory hearing. Actual adjudicatory hearings are to be held on only those issues found to meet the criteria of section 134 and set for hearing after oral argument.

The Commission's rules implementing section 134 of the NWPA are found in 10 CFR part 2, subpart K, "Hybrid Hearing Procedures for Expansion of Spent Nuclear Fuel Storage Capacity at Civilian Nuclear Power Reactors," (published at 50 FR 41662, October 15, 1985). Under those rules, any party to the proceeding may invoke the hybrid hearing procedures by filing with the presiding officer a written request for oral argument under 10 CFR 2.1109. To be timely, the request must be filed within ten (10) days of an order granting a request for hearing or petition to intervene. (As outlined above, the Commission's rules in 10 CFR part 2, subpart G continue to govern the filing of requests for a hearing or petitions to intervene, as well as the admission of contentions.) The presiding officer may grant an untimely requet for oral argument only upon a showing of good cause by the requesting party for the failure to file on time and after providing the other parties an opportunity to respond to the untimely request. If the presiding officer grants a request for oral argument, any hearing held on the application shall be conducted in accordance with the hybrid hearing procedures. In essence, those procedures limit the time available for discovery and require that an oral argument be held to determine whether any contentions must be resolved in an adjudicatory hearing. If no party to the proceeding requests oral argument, or if all untimely requests for oral argument are denied, then the usual procedures in 10 CFR part 2, subpart G apply.

For further details with respect to this action, see the application dated March 12, 1990, and Environmental Report, dated May 31, 1990, which are available for public inspection at the Commission's Public Document Room 2120 L Street NW., Washington, DC 20555, and at the local public document room at the Van Wylen Library, Hope College, Holland, Michigan 49423. The Commission's license and Safety Evaluation Report, when issued, may be inspected at the above locations.

Dated at Rockville, Maryland, this 2nd day of July, 1990.

For the Nuclear Regulatory Commission.

Charles J. Haughney,

Chief, Fuel Cycle Safety Branch, Division of Industrial and Medical Nuclear Safety.

[FR Doc. 90-16420 Filed 7-12-90; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF PERSONNEL MANAGEMENT

Computer Matching and Privacy Protection Act of 1988; Records Used in Computer Matching Programs

AGENCY: Office of Personnel Management (OPM).

ACTION: Notice of a computer matching program involving individuals who are receiving benefits, have received benefits, or who owe debts to the State of Florida.

SUMMARY: As required by the Computer Matching and Privacy Protection Act of 1988, OPM is issuing a public notice of its intent to provide certain information to the State of Flordia's Office of Auditor General, Division of Public Assistance Fraud. The information will be used by Florida to detect, prevent, and eliminate fraud, waste, and abuse in Florida's Public Aid Programs. The specific programs involved include: Aid to Families with Dependent Children Program (AFDC), Food Stamp Program, Medicaid Program, and Low Income Home Energy Assistance Program. In addition, Florida will use the data provided to assist in locating absent parents and determine the parents' ability to provide financial support for their children.

The purpose of this notice is to advise individuals applying for or receiving benefits under any of the programs cited above, and those who owe child support payments, of the potential use of this information once Florida obtains it.

DATES: Comments must be received on or before August 13, 190.

ADDRESSES: Comments may be mailed to Philip A. D. Schneider, Assistant Director for Workforce Information, Personnel Systems and Oversight Group, U.S. Office of Personnel Management, 1900 E Street NW., Washington, DC 20415, or delivered to Room 7494 at the above address. Comments received may be inspected and reviewed between 8:00 a.m. and 4:30 p.m. at the above-cited room.

FOR FURTHER INFORMATION CONTACT: John Sanet, Privacy Act Advisor, Office of Workforce Information, (202) 606-1955.

SUPPLEMENTARY INFORMATION: Subsection (e)(12) of the Privacy Act (5 U.S.C. 552a), as amended by the Computer Matching and Privacy Protection Act of 1988 (Pub. L. 100-503), requires agencies that are providing data to States for use in computer matching projects to publish advance notice of new and altered matching programs. OMB Bulletin No. 89-22, "Instructions on Reporting Computer Matching Programs to the Office of Management and Budget (OMB), Congress and the Public," instructs a Federal agency participating in a computer matching program to publish a notice in the **Federal Register** announcing the establishment of a matching program. Copies of this Notice and matching report will be provided at the appropriate time to the Committee on Government Operations of the House of Representatives, the Committee on Governmental Affairs of the Senate, and the Office of Management and Budget.

Authority

Section 11.50, Florida Statutes, provides the legal authority of the Division of Public Assistance Fraud relative to investigating welfare fraud and the authority to carry out that responsibility. In addition, Public Law 98-369 provides for computer matching in Public Assistance Programs. The providing of data by OPM is done in accordance with the Privacy Act of 1974, the Computer Matching and Privacy Protection Act of 1988 (Pub. L. 100-503), and the Office of Management and Budget's Guidance Interpreting the Provisions of Pub. L. 100-503.

Categories of Records and Individuals Covered

OPM will provide extracts from the Central Personnel Data File (CPDF) portion of the OPM/GOVT-1, General Personnel Records, system containing information on current Federal employees and the OPM/CENTRAL-1, Civil Service Retirement and Insurance Records (CSRI), system containing information on retired Federal employees to Florida. The CPDF extract to be provided contains the name, social security number, date of birth, sex, annual salary rate (but not actual earnings), service computation date of Federal service, veterans preference, retirement plan, occupational series, position occupied, work schedule (full time, part time, intermittent), agency identifier, geographic location of duty station, metropolitan statistical area, and personnel office identifier.

The CSRI extract will include the name, social security number, date of birth, sex, OPM's claim number, health benefit enrollment code, retirement date, retirement code (type of retirement), annuity rate, pay status of case, correspondence address, and ZIP code.

Procedure

OPM will provide extracts from the Central Personnel Data File (CPDF) portion of the OPM/GOVT-1, General Personnel Records, system published at 55 FR 3838 (February 5, 1990), and the OPM/CENTRAL-1, Civil Service Retirement and Insurance Records (CSRI), system published at 55 FR 3816 (February 5, 1990). The disclosure from the OPM/GOVT-1 system of records will be made in accordance with routine use "hh" and the disclosure from the OPM/CENTRAL-1 system of records will be made in accordance with routine uses "gg" and "jj." These records will be matched against Florida's Public Assistance files and also against Florida's listing of absent parents.

In all cases involving benefit-recipient programs where case workers are involved, Florida will afford the recipients the opportunity through their social worker to explain any unreported income. If the matched case results in a formal investigation, the appropriate employing Federal agency is contacted to verify the employment and the actual earnings. In situations where no case worker is involved or where child support is involved, the employing Federal agency is contacted to verify employment or actual earnings; in the case of child support, the case file or judgment is reviewed to verify that the individual is in arrears.

Florida will not create a separate permanent file consisting of information regarding those individuals involved in the specific matching programs agreed to with OPM, except as necessary to monitor the results of the matching programs. Information generated through the matches will be destroyed as soon as follow-up processing from the matches has been completed unless the information is required by the evidentiary process. The information provided by OPM will not be used to extract information concerning "non-matching" individuals for any purpose. The information provided by OPM to Florida will not be derivatively used for matches in any other program without OPM's specific written permission nor will Florida duplicate or disseminate the OPM files without OPM's written permission.

Projected Dates for the Matching Program

At the end of the comment period, a copy of this notice (along with any changes made based on comments received) and the finalized matching

agreement between OPM and Florida will be provided to Congress and the Office of Management and Budget. Depending on the comments received, but no sooner than 30 days after this material is provided to Congress and OMB, OPM and Florida will begin the data exchange. It is anticipated this data exchange will occur no sooner than August 1, 1990. Subsequent matches are projected to take place semi-annually on a recurring basis with an expected completion date of February 1992. This match can be renewed at the end of that time for a period not to exceed 12 months.

Other Information

The notice being published here is in addition to any individual notice provided to the individuals.

U.S. Office of Personnel Management.

Constance Berry Newman,

Director.

[FR Doc. 90-16386 Filed 7-12-90; 8:45 am]

BILLING CODE 6325-01-M

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

First Meeting of the National Critical Technology Panel

The National Critical Technologies Panel will meet for the first time on July 30–31, 1990. This meeting will be held at the National Science Foundation, Board Room 540, 1800 G Street NW., Washington, DC. The Panel will start its deliberations 10 a.m., Monday the 30th, and will conclude its activities on Tuesday the 31st, at 1 p.m.

The purpose of this Panel is to prepare and submit to the president a biennial report on national critical technologies no later than October 1st, of even-numbered years. These are to be the product and process technologies the Panel deems most critical to the US, and shall not exceed 30 in number in any one year.

Proposed Agenda

(1). Briefing by DOD and DOC to the Panel.

(2). Conceive and evaluate definitions for assessment of candidate technologies as national critical technologies.

(3). Review Plan & Schedule for completing National Critical Technologies Report.

Portions of this meeting will be closed to the public.

Inherent to this type of discussions, issues of internal personnel procedures will be addressed, that if prematurely disclosed, would significantly frustrate the implementation of decisions made requiring Agency action. This is pursuant to 5 USC 552 b. (c)(2), and (9)(B). Furthermore, Panel discussions will necessitate the disclosure of information of personal nature, the disclosure of which would construe a clear unwarranted invasion of personal privacy [5 USC 552 b.(c)(6)].

Persons wishing to attend the open portion of this meeting should contact Dr. Ronald E. York, at (202) 395–3557, prior to July 27, 1990. Dr. York is also available to provide specific information regarding time, place, and agenda for the opening session.

Dated: July 9, 1990.

Damar W. Hawkins,

Executive Assistant, Office of Science and Technology Policy.

[FR Doc. 90-16367 Filed 7-12-90; 8:45 am]

BILLING CODE 3170-01-M

THE PRESIDENT'S EDUCATION POLICY ADVISORY COMMITTEE

Meeting

AGENCY: The President's Education Policy Advisory Committee.

ACTION: Notice of meeting.

SUMMARY: The President's Education Policy Advisory Committee was formed under Executive Order 12687 and signed by the President of the United States on August 15, 1989.

TENTATIVE AGENDA ITEMS: The tentative agenda for the meeting includes flexibility/accountability, literacy, and education-related actions and activities.

DATES: The third meeting will be held on July 17, 1990.

ADDRESSES: The meeting is currently scheduled from 1:00–4:30 in room 180 of the Old Executive Office Building.

FOR FURTHER INFORMATION CONTACT: Rae Nelson at the White House Office of Policy Development. The phone number is (202) 456–7777. For clearance purposes, please notify Rae Nelson no less than twenty-four hours before the meeting. Please provide over the phone, your social security number, date of birth, and name as read on your driver's license. When entering the building, you will be required to show picture identification.

Dated: July 5, 1990.

Roger B. Porter,

Assistant to the President for Economic and Domestic Policy.

[FR Doc. 90-16499 Filed 7-11-90; 10:51 am]

BILLING CODE 3127-01-M

SECURITIES AND EXCHANGE COMMISSION

[Rel. No. 35-25102-A]

Filings Under the Public Utility Holding Company Act of 1935 ("Act")

July 11, 1990.

Notice is hereby given that the following filing(s) has/have been made with the Commission pursuant to provisions of the Act and rules promulgated thereunder.[1] All interested persons are referred to the application(s) and/or declaration(s) for complete statements of the proposed transaction(s) summarized below. The application(s) and/or declaration(s) and any amendments thereto is/are available for public inspection through the Commission's Office of Public Reference.

Interested persons wishing to comment or request a hearing on the application(s) and/or declaration(s) should submit their views in writing by July 26, 1990 to the Secretary, Securities and Exchange Commission, Washington, DC 20549, and serve a copy on the relevant applicant(s) and/or declarant(s) at the address(es) specified below. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in the matter. After said date, the application(s) and/or declaration(s), as filed or as amended, may be granted and/or permitted to become effective.

CNG Transmission Corporation (70-7641)

CNG Transmission Corporation ("Transmission"), 445 West Main Street, Clarksburg, West Virginia 26301, a wholly owned gas pipeline subsidiary company of Consolidated Natural Gas Company ("Consolidated"), a registered holding company, has filed an application-declaration pursuant to sections 6(a), 7, 9(a), 10, 12(b) and 13(b) of the Act and rules 16, 43, 44, 45, 50 and 87 thereunder.

Transmission proposes to acquire a 6.4% general partnership interest in the Iroquois Gas Transmission System ("Iroquois"), a Delaware partnership formed to construct and own an

[1] The Commission originally issued notices on the following filings on June 8, 1990; however, the notices were never published in the Federal Register.

interstate natural gas pipeline extending from the Canadian border through the states of Connecticut and New York to Long Island, New York, to transport natural gas on behalf of various shippers, including several current customers of Transmission. Transmission states that Iroquois and its affiliates which are not already sucject to the jurisdiction of the Act, intend to rely on Rule 16 to be exempt from all obligations, duties or liabilities that otherwise would be imposed upon them by the Act.

Transmission also proposes to organize, and acquire all the common stock of a new Delaware corporation to be named CNG Iroquois ("CNGI"), which will assume Transmission's proposed partnership interest in Iroquois. CNGI would have an authorized equity capitalization of $12 million, consisting of 1,200 shares of common stock, $10,000 par value per share, which will be entirely subscribed by Transmission. CNGI will from time to time, in the sole discretion of Transmission, purchase from Transmission shares of CNGI common stock, hold such shares as treasury shares, and resell such shares to Transmission.

Transmission also proposes to make open account advances to CNGI through June 30, 1992, which, together with Transmission's equity investment in CNGI, would aggregate not more than $12 million. All loans, which will be payable on demand, may be prepaid at any time without premium or penalty and will bear interest, payable monthly, at the cost incurred for short-term borrowings by Transmission. Transmission will raise the funds required for these expenditures of CNGI through internal cash generation. Furthermore, Transmission will guarantee the performance of CNGI's obligations, and indemnify third parties on CNGI's behalf. Such guarantees and indemnities will not exceed $12 million at any one time.

Transmission further proposes to provide certain services to CNGI with respect to its participation in the pipeline operations and activities of Iroquois. Additionally, CNGI proposes to enter into a services agreement with Consoldiated's service company subsidiary, Consolidated Natural Gas Service Company, Inc. ("CNG Service"), which would be similar to service contracts between CNG Service and other companies in the Consolidated system.

Northeast Utilities (70-7698)

Northeast Utilities ("NU"), Brush Hill Avenue, West Springfield, Massachusetts 01090-0010, a registered holding company, has filed an application-declaration under sections 6(a), 7, 9(a), 10, 12(b), 12(f) and 13(b) of the Act and rules 45, 50, 87, 90 and 91 thereunder.

NU proposes to organize and acquire for $10,000, 100 shares of the common stock, $1.00 par value, of a new wholly-owned subsidiary company ("HEC Inc."), which would acquire, pursuant to an Asset Purchase Agreement, substantially all of the assets of HEC Energy Corporation, a Delaware corporation providing energy management services to large institutional customers in New England, New York and elsewhere. The purchase price will be an amount equal to the book value of the assets (currently estimated to be $16 million), plus a premium not to exceed $1,055,000.

NU proposes that HEC Inc. provide conservation and load management measures, without limitation, to customers in New England and New York, and limited services outside the New England and New York regions, with the restriction that the percentage of its overall assets and budget devoted to sales efforts outside of New England and New York will not exceed 50% of its overall assets and budget devoted to such sales efforts.

NU also requests authority, through June 30, 1993: (1) To make capital contributions to HEC Inc. in an aggregate amount not to exceed approximately $6 million; (2) for HEC Inc. to borrow up to $15 million on a revolving basis, under a revolving credit/term loan agreement ("Revolving Agreement") to be entered into with a bank or a group of banks, at a rate of interest anticipated to be the bank's prime rate plus 1.25%, and with a one time commitment fee of 0.25%; and (3) in the event the lending bank requires HEC Inc. to maintain net worth of approximately $3 million, NU proposes to make additional capital contributions to, or guarantees on behalf of, HEC Inc., in an amount not to exceed $4 million. As an alternative to the Revolving Agreement, NU proposes that it lend up to $15 million, through December 31, 1990, directly to HEC Inc., on terms equivalent to terms it receives on its short-term debt borrowings. In addition, NU requests authorization for its system service company, Northeast Utilities Service Company, to provide services to HEC Inc.

HEC Inc. will use the proceeds from the capital contributions and the borrowings under the Revolving Agreement or directly from NU to purchase assets from HEC Energy Corporation and for working capital purposes.

American Electric Power Company, Inc. (70-7708)

American Electric Power Company, Inc. ("AEP"), 1 Riverside Plaza, Columbus, Ohio 43215, a registered holding company, has filed a declaration under Sections 9(a) and 10 of the Act and Rule 51.

By order dated November 7, 1952 (34 S.E.C. 323) AEP was authorized to acquire 37,800 shares of common stock of Ohio Valley Electric Corporation ("OVEC"), which was organized for the purposes of supplying electric utility services to a gaseous diffusion plant ("Plant") at Portsmouth, Ohio. The Plant is presently owned and operated by the United States Department of Energy.

AEP has entered into a Stock Purchase Agreement ("Stock Agreement") with Louisville Gas and Electric Company, a publicly owned gas and electric public-utility company that presently owns 7,000 shares of OVEC common stock. Under the Stock Agreement, AEP proposes to purchase from Louisville 2,100 shares of OVEC common stock for a total purchase price of $300,000. AEP's ownership interest in OVEC would increase from 42.1% to 44.2% as a result of the proposed acquisition.

AEP's proposed acquisition will entitle it to receive dividends, if and when declared by OVEC, on the 2,100 shares of OVEC common stock. However, all rights and obligations under the Inter-Company Power Agreement ("Power Agreement"), dated as of July 10, 1953, under which OVEC purchases supplemental power from, and sells suplus power to, certain public-utility companies, with regard to the 2,100 shares of OVEC common stock will be retained by Louisville. The Power Agreement terminates on March 12, 2006, subject to certain other provisions.

MCN Corporation, (70-7747)

MCN Corporation ("MCN"), 500 Griswold Street, Detroit, Michigan 48226, a Michigan corporation and public-utility holding company exempt from registration under section 3(a)(1) of the Act pursuant to rule 2, has filed an application and amendment thereto pursuant to sections 9(a)(2) and 10 of the Act. MCN proposes to acquire all of the issued and outstanding shares of common stock of Citizens Gas Fuel Company ("Citizens"), a Michigan gas utility company, subject to shareholder approval at Citizens' annual meeting to be held on June 29, 1990. The acquisition

will be accomplished pursuant to an Agreement and Plan of Reorganization ("Merger Agreement") which was entered into on May 25, 1990 by Citizens, MCN and Citizens Merging Corporation, a Michigan wholly owned subsidiary corporation of MCN created for the purpose of engaging in the merger ("Merging Subsidiary").

Michigan Consolidated Gas Company ("MichCon"), MCN's wholly owned gas utility subsidiary company, provides natural gas and transportation services to over one million customers in the Detroit metropolitan area, the cities of Grand Rapids and Muskegon, and various other communities throughout the state of Michigan.

Citizens provides natural gas service to approximately 11,400 residential, commercial and industrial customers in Adrian, Michigan and surrounding Lenawee County, Michigan. As of December 31, 1990, Citizens reported total assets of $15,549,000. At May 1, 1990, Citizens had issued an outstanding 779,494 shares of common stock which were held by 116 shareholders located in 20 states, Canada and the District of Columbia.

The Merger Agreement provides that MCN will acquire all of the 779,494 shares of Citizen's common stock, $3 par value, ("Citizens Common") issued and outstanding immediately prior to the effective date of the merger ("Effective Date") by exchanging Citizens Common for MCN common stock, $0.01 par value, having a value not to exceed $14.99 million. The Merging Subsidiary will be merged into Citizens with Citizens as the surviving corporation. Each share of common stock of the Merging Subsidiary will be converted into the number of shares of Citizens Common issued and outstanding immediately prior to the Effective Date. Citizens subsequently will become a wholly owned subsidiary of MCN.

The number of shares of MCN Common to be issued pursuant to the Merger Agreement will be obtained by dividing (a) 1.9 times the book value of Citizens Common issued and outstanding as of the last day of the calendar month immediately proceeding the month in which the closing occurs, less the book value of certain shares of restricted common stock of Solar Cells, Inc., purchased by Citizens in a private placement offering under Regulation D pursuant to the Securities Act of 1933, as amended, and an amount equal to all cash, marketable securities and other cash equivalents (exclusive of any assets held in connection with Citizens' Supplemental Annuity Plan) in excess of $100,000 reflected on Citizen's balance sheet immediately prior to the Effective Date ("Total Consideration"); provided, however, that the Total Consideration shall not be less than $14.6 million nor more than $14.99 million, by (b) the average of the closing market price of shares of MCN Common on the composite tape for New York Stock Exchange listed issues for each of the last ten business days in which such shares are traded on the New York Stock Exchange immediately preceding the date two trading days prior to the Effective Date. Cash will be issued in lieu of fractional shares.

New England Electric System (70-7753)

New England Electric System ("NEES"), 25 Research Drive, Westborough, Massachusetts 01582, a registered holding company, has filed an application-declaration pursuant to Sections 6(a) and 7 of the Act and Rule 50(a)(5) thereunder.

By orders dated August 30, 1984 (HCAR No. 23404), January 10, 1986 (HCAR No. 23987) and November 22, 1988 (HCAR No. 24753), NEES was authorized to issue and sell through December 31, 1992, an aggregate of up to 395,902 shares of its authorized but unissued shares of common stock, $1 par value ("Common Stock"), pursuant to the New England Electric System Companies Incentive Thrift Plan II ("Plan") (formerly the New England Electric System Companies Tax Deferred Savings Plan). The Plan is sponsored by certain NEES subsidiaries. Through March 31, 1990, NEES issued 298,435 shares pursuant to the Plan leaving a balance of 97,467 authorized but unissued shares of Common Stock.

NEES now proposes to further extend the period for issuing its Common Stock under the Plan to December 31, 1994, and to issue and sell through December 31, 1994, an additional 1 million shares of its authorized common stock ("Additional Common Stock"), for an aggregate of 1,395,902 shares pursuant to the Plan, under an exception from the competitive bidding requirements of Rule 50 under subsection (a)(5) thereunder.

The proceeds from the continued sale of the Common Stock and the sale of the Additional Common Stock shall be added to the general funds of NEES and be used for any or all of the following purposes: (i) Investment in the NEES's subsidiaries, through loans or advances, purchases of additional shares of their capital stock, or capital contributions; (ii) payment of any indebtedness of NEES; or (iii) general purposes of NEES.

The price of NEES Common Stock purchased from NEES shall continue to be based upon the average of the high and low prices of NEES Common Stock on the New York Stock Exchange—Composite Transactions as reported in the Wall Street Journal for the five consecutive trading days ending with the date of purchase. NEES Common Stock purchased on the open market will be priced for each participant's account at the average purchase price of all shares purchased.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 90-16572 Filed 7-12-90; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Approval of Noise Compatibility Program, Texarkana Regional Airport, Texarkana, AR

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice.

SUMMARY: The Federal Aviation Administration (FAA) announces its findings on the noise compatibility program submitted by the Texarkana Airport Authority under the provisions of title I of the Aviation Safety and Noise Abatement Act of 1979 (Pub. L. 96-163) and CFR part 150. These findings are made in recognition of the description of Federal and nonfederal responsibilities in Senate Report No. 96-52 (1980). On January 5, 1990, the FAA determined that the noise exposure maps submitted by the Texarkana Airport Authority under part 150 were in compliance with applicable requirements. On June 12, 1990, the Administrator approved the noise compatibility program. All of the recommendations of the program were approved.

EFFECTIVE DATE: The effective date of the FAA's approval of the Texarkana Regional Airport's noise compatibility program is June 12, 1990.

FOR FURTHER INFORMATION CONTACT: Dean A. McMath, Department of Transportation, Federal Aviation Administration, 4400 Blue Mound Road, Fort Worth, Texas 76193-0612, (817) 624-5594. Documents reflecting this FAA action may be reviewed at this same location.

SUPPLEMENTARY INFORMATION: This notice announces that the FAA has given its overall approval to the noise compatibility program for Texarkana Regional Airport, effective June 12, 1990.

Under section 104(a) of the Aviation Safety and Noise Abatement Act of 1979 (hereinafter referred to as "the Act"), an airport operator who has previously submitted a noise exposure map may submit to the FAA a noise compatibility program which sets forth the measures taken or proposed by the airport operator for the reduction of existing noncompatible land uses within the area covered by the noise exposure maps. The Act requires such programs to be developed n consultation with interested and affected parties including local communities, government agencies, airport users, and FAA personnel.

Each airport noise compatibility program developed in accordance with Federal Aviation Regulations (FAR) part 150 is a local program, not a Federal Program. The FAA does not substitute its judgment for that of the airport proprietor with respect to which measures should be recommended for action. The FAA's approval or disapproval of FAR part 150 program recommendations is measured according to the standards expressed in part 150 and the Act and is limited to the following determinations:

a. The noise compatibility program was developed in accordance with the provisions and procedures of FAR part 150;

b. Program measures are reasonably consistent with achieving the goals of reducing existing noncompatible land uses around the airport and preventing the introduction of additional noncompatible land uses;

c. Program measures would not create an undue burden on interstate or foreign commerce, unjustly discriminate against types or classes of aeronautical uses, violate the terms of airport grant agreements, or intrude into areas preempted by the Federal Government; and

d. Program measures relating to the use of flight procedures can be implemented within the period covered by the program without derogating safety, adversely affecting the efficient use and management of the navigable airspace and air traffic control systems, or adversely affecting other powers and responsibilities of the Administrator prescribed by law.

Specific limitations with respect to FAA's approval of an airport noise compatibility program are delineated in FAR part 150, § 150.5. Approval is not a determination concerning the acceptability of land uses under Federal, state, or local law. Approval does not by itself constitute an FAA implementing action. A request for Federal action or approval to implement specific noise compatibility measures may be required, and an FAA decision on the request may require an environmental assessment of the proposed action. Approval does not constitute a commitment by the FAA to financially assist in the implementation of the program nor a determination that all measures covered by the program are eligible for grant-in-aid funding from the FAA. Where Federal funding is sought, requests for project grants must be submitted to the FAA Airports Division Office in Fort Worth, Texas.

The Texarkana Airport Authority submitted to the FAA on October 22, 1988, the noise exposure maps, descriptions, and other documentation produced during the noise compatibility planning study conducted from January 14, 1987 through October 22, 1988. The Texarkana Regional Airport noise exposure maps were determined by the FAA to be in compliance with applicable requirements on January 5, 1990. Notice of this determination was published in the **Federal Register** on January 26, 1990.

The Texarkana Regional Airport study contains a proposed noise compatibility program comprised of actions designed for phased implementation by airport management and adjacent jurisdictions from the date of study completion to the year 1993. It was requested that the FAA evaluate and approve this material as a noise compatibility program as described in section 104(b) of the Act. The FAA began its review of the program on January 5, 1990, and was required by a provision of the Act to approve or disapprove the program within 180 days (other than the use of new flight procedures for noise control). Failure to approve or disapprove such program within the 180-day period shall be deemed to be an approval of such program.

The submitted program contained three proposed actions for noise mitigation at the airport. The FAA completed its review and determined that the procedural and substantive requirements of the Act and FAR part 150 have been satisfied. The overall program, therefore, was approved by the Administrator effective June 12, 1990.

Outright approval was granted for all of the specific program elements. The approved elements included the institution of a noise complaint response and investigation system, update and review of the approved program, and update of the city's comprehensive plan.

These determinations are set forth in detail in a Record of Approval endorsed by the Administrator on June 12, 1990. The Record of Approval, as well as other evaluation materials and the documents comprising the submittal, are available at the FAA office listed above and at the administrative offices of the Texarkana Regional Airport.

Issued in Fort Worth, Texas, June 29, 1990.

John M. Dempsey,

Manager, Airports Division.

[FR Doc. 90-16382 Filed 7-12-90; 8:45 am]

BILLING CODE 4910-13-M

Approval of Noise Compatibility Program, Richard Lloyd Jones, Jr. Airport; Tulsa, OK

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice.

SUMMARY: The Federal Aviation Administration (FAA) announces its findings on the noise compatibility program submitted by Tulsa Airports Improvement Trust under the provisions of Title I of the Aviation Safety and Noise Abatement Act of 1979 (Public Law 96-193) and CFR part 150. These findings are made in recognition of the description of Federal and nonfederal responsibilities in Senate Report No. 96-52 (1980). On November 22, 1989, the FAA determined that the noise exposure maps submitted by the Tulsa Airports Improvement Trust under part 150 were in compliance with applicable requirements. On May 15, 1990, the Administrator approved the noise compatibility program. Two of the four recommendations of the program were approved.

EFFECTIVE DATE: The effective date of the FAA's approval of the Richard Lloyd Jones, Jr. Airport noise compatibility program is May 15, 1990.

FOR FURTHER INFORMATION CONTACT: Dean A. McMath, Department of Transportation, Federal Aviation Administration, 4400 Blue Mound Road, Fort Worth, Texas, 76193-0612, (817) 624-5594. Documents reflecting this FAA action may be reviewed at this same location.

SUPPLEMENTARY INFORMATION: This notice announces that the FAA has given its overall approval to the noise comptability program for Richard Lloyd Jones, Jr. Airport, effective May 15, 1990.

Under section 104(a) of the Aviation Safety and Noise Abatement Act of 1979 (hereinafter referred to as "the Act"), an airport operator who has previously submitted a noise exposure map may submit to the FAA a noise compatibility program which sets forth the measures taken or proposed by the airport operator for the reduction of existing

noncompatible land uses within the area covered by the noise exposure maps. The Act requires such programs to be developed in consultation with interested and affected parties including local communities, government agencies, airport users, and FAA personnel.

Each airport noise compatibility program developed in accordance with Federal Aviation Regulations (FAR) part 150 is a local program, not a Federal Program. The FAA does not substitute its judgment for that of the airport proprietor with respect to which measures should be recommended for action. The FAA's approval or disapproval of FAR part 150 program recommendations is measured according to the standards expressed in part 150 and the Act and is limited to the following determinations:

a. The noise compatibility program was developed in accordance with the provisions and procedures of FAR part 150;

b. Program measures are reasonably consistent with achieving the goals of reducing existing noncompatible land uses around the airport and preventing the introduction of additional noncompatible land uses;

c. Program measures would not create an undue burden on interstate or foreign commerce, unjustly discriminate against types or classes of aeronautical uses, violate the terms of airport grant agreements, or intrude into areas preempted by the Federal Government; and

d. Program measures relating to the use of flight procedures can be implemented within the period covered by the program without derogating safety, adversely affecting the efficient use and management of the navigable airspace and air traffic control systems, or adversely affecting other powers and responsibilities of the Administrator prescribed by law.

Specific limitations with respect to the FAA's approval of an airport noise compatibility program are delineated in FAR part 150, § 150.5. Approval is not a determination concerning the acceptability of land uses under Federal, state, or local law. Approval does not by itself constitute an FAA implementing action. A request for Federal action or approval to implement specific noise compatibility measures may be required, and an FAA decision on the request may require an environmental assessment of the proposed action. Approval does not constitute a commitment by the FAA to financially assist in the implementation of the program nor a determination that all measures covered by the program are eligible for grant-in-aid funding from the FAA. Where Federal funding is sought, requests for project grants must be submitted to the FAA Airports Division Office in Fort Worth, Texas.

The Tulsa Airports Improvement Trust submitted to the FAA on November 18, 1988, the noise exposure maps, descriptions, and other documentation produced during the noise compatibility planning study conducted from July 10, 1986 through November 16, 1989. The Richard Lloyd Jones Jr. Airport noise exposure maps were determined by FAA to be in compliance with applicable requirements on November 22, 1989. Notice of this determination was published in the **Federal Register** on December 7, 1989.

The Richard Lloyd Jones Jr. Airport study contains a proposed noise compatibility program comprised of actions designed for phased implemetation by airport management and adjacent jurisdictions from the date of study completion to the year 1993. It was requested that the FAA evaluate and approve this material as a noise compatibility program as described in section 104(b) of the Act. The FAA began its review of the program on November 22, 1989, and was required by a provision of the Act to approve or disapprove the program within 180 days (other than the use of new flight procedures for noise control). Failure to approve or disapprove such program within the 180-day period shall be deemed to be an approval of such program.

The submitted program contained four proposed actions for noise mitigation (on and/or off) the airport. The FAA completed its review and determined that the procedural and substantive requirements of the Act and FAR part 150 have been satisfied. The overall program, therefore, was approved by the Administrator effective May 15, 1990.

Outright approval was granted for two of the specific program elements. The two approved elements were the institution of a noise complaint response and investigation system and the update and review of the approved program. The two disapproved elements were a runway extension and flight track modification. These disapproved elements served capacity concerns more than noise.

These determinations are set forth in detail in a Record of Approval endorsed by the Administrator on May 15, 1990. The Record of Approval, as well as other evaluation materials and the documents comprising the submittal, are available at the FAA office listed above and at the administrative offices of the Tulsa Airports Improvement Trust.

Issued in Fort Worth, Texas, June 29, 1990.

John M. Dempsey,

Manager, Airports Division.

[FR Doc. 90-16383 Filed 7-12-90; 8:45 am]

BILLING CODE 4910-13-M

Maritime Administration

[Docket No. S-867]

American President Lines, Ltd.; Application for Subsidized Service on Trade Route 2 Under Contract MA/MSB-417; American President Lines, Ltd.

Notice is hereby given that American President Lines, Ltd. (APL), by letter application of August 17, 1989, supplemented and amended by submissions of September 26 and October 19, 1989, and April 27 and June 6, 1990, has requested amendment of its subsidized service description as set forth in Appendix A of APL's Operating-Differential Subsidy Agreement, Contract MA/MSB-417.

APL's Appendix A service description describes the Line A—California/Far East service, requiring a minimum/maximum of 72/108 sailings annually, and the Line B—Washington-Oregon/Far East service, requiring a minimum/maximum of 54/80 sailings annually; the aggregate maximum on Lines A and B is 188 sailings annually. The requested amendment is for a maximum of 214 sailings annually. Pursuant to Docket R-112, Maritime Subsidy Board *Notice of Invitation to Subsidized Liner Operators to Apply for Amended Subsidized Service Descriptions*, APL desires to conform its Line A and Line B subsidized service authority to Trade Route 2, as defined in Docket R-111, Final Determination of Essential Trade Routes, May 7, 1987. APL asks no increase in its authorized fleet of 23 subsidized vessels, and no increase in operating subsidy beyond that already authorized under its contract.

APL proposes that its Line A and Line B authority be revised as follows:

Required—A minimum of 126 and a maximum of 214 sailings per annum between a port or ports in the United States (the contiguous United States plus Alaska, Hawaii, U.S. Territories and Possessions) and a port or ports in the Far East (Thailand, Vietnam, Cambodia (Khmer Republic), Philippines, and Macao (Portuguese Territory), China (Mainland) ports south of the 30th parallel; Hong Kong (including Kowloon) and Republic of

China (Taiwan); the Siberian and Eastern Province of the U.S.S.R. fronting on the Arctic Ocean, Bering Sea, Pacific Ocean, Sea of Okhotsk and the Sea of Japan; China (Mainland) ports above the 30th parallel and Manchuria (including Kwantung Peninsula and Lushun (Port Arthur)); North Korea, Republic of Korea, and Japan).

Privilege—A port or ports in:

Marshall Islands, on a maximum of 108 sailings per annum from/to California;

Midway Islands, on a maximum of 54 sailings per annum from/to California;

Guam, from/to Washington-Oregon-California on not more than 52 calls annually subject to the stipulation that a minimum of 24 calls annually are required to provide service between Washington-Oregon-California and Guam, and provided that such 24-call annual requirement may be fulfilled by a transshipment arrangement with another U.S.-flag carrier;

Guam, from/to extension areas described herein on not more than 26 calls annually;

Ensenada, Mexico for the purpose of carrying cargo between Ensenada and Far East ports on a maximum of 108 sailings per annum;

In connection with service at U.S. ports eastward of the U.S. Pacific coast, such service by C9–M–F150a non-Panama vessels may be provided only on a nonsubsidized basis;

In connection with U.S. Atlantic port calls on not more than 28 sailings per annum:

(1) Pacific coast of Mexico for the purpose of carrying cargo between Mexican ports and other foreign ports on this service,

(2) Canadian Atlantic and St. Lawrence River ports before departure outbound from U.S. Atlantic ports,

(3) Former Panama Canal Zone, but not for loading or discharging U.S. Atlantic nor California cargoes (including transshipment cargoes), and

(4) Cargoes for discharge at U.S. Atlantic ports may not be loaded at extension area ports in the Persian Gulf-Gulf of Oman (including all of Oman);

Brunei, on a maximum of 80 sailings per annum from/to Washington-Oregon;

British Columbia, on a maximum of 80 sailings per annum (only for overseas carriage).

The Line A and B Dual Service Privilege would be eliminated. APL does not seek any change in its Line A Extension or Line B Extension sailing authority.

This application may be inspected in the Office of the Secretary, Maritime Administration. Any person, firm, or corporation having any interest in such application and desiring to submit comments concerning the application on issues pertinent to section 605(c) of the Merchant Marine Act, 1936, as amended, must file written comments in triplicate with the Secretary, Maritime Administration, Room 7300, Nassif Building, 400 Seventh Street, SW., Washington DC 20590. Comments must be received not later than 5 p.m. on August 3, 1990. The Maritime Subsidy Board will consider any comments submitted and take such action with respect thereto as may be deemed appropriate.

(Catalog of Federal Domestic Assistance Program No. 20.804 Operating-Differential Subsidies)

Dated: July 10, 1990.

By Order of the Maritime Subsidy Board.

James E. Saari,

Secretary.

[FR Doc. 90–16416 Filed 7–12–90; 8:45 am]

BILLING CODE 4910–81–M

DEPARTMENT OF THE TREASURY

Public Information Collection Requirements Submitted to OMB for Review

Date: July 9, 1990.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Public Law 96–511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, room 3171 Treasury Annex, 1500 Pennsylvania Avenue, NW., Washington, DC 20220.

Internal Revenue Service

OMB Number: New.

Form Number: 7018–D.

Type of Review: New Collection.

Title: Employer Order Blank for 1991 Information Return Forms.

Description: Form 7018–D allows taxpayers who must file information returns a systematic way to order informatin tax forms materials.

Respondents: Businesses or other for-profit.

Estimated Number of Respondents: 500,000.

Estimated Burden Hours Per Response: 3 minutes.

Frequency of Response: Annually.

Estimated total Reporting Burden: 25,000 hours.

OMB Number: 1545–0072.

Form Number: 2119.

Type of Review: Revision.

Title: Sale of Your Home.

Description: Individuals who sell their main home use Form 2119, even if they had a los, and whether or not they buy a new main home. The form is also used by taxpayers age 55 or older who elect to exclude the gain on the sale of their main home. The information is used to determine whether or not the sale has been reported correctly.

Respondents: Individuals or households.

Estimated Number of Respondents: 1,377,000.

Estimated Burden Hours Per Response/Recordkeeping:

Recordkeeping: 46 minutes

Learning about the law of the form: 13 minutes

Preparing the form: 45 minutes

Copying, assembling, and sending the form to IRS: 20 minutes

Frequency of Response: Annually.

Estimated Total Reporting Burden: 2,850,390 hours.

Clearance Officer: Garrick Shear, (202) 535–4297, Internal Revenue Service, room 5571, 1111 Constitution Avenue NW., Washington, DC 20224.

OMB Reviewer: Milo Sunderhauf (202) 395–6880, Office of Management and Budget, room 3001, New Executive Office Building, Washington, DC 20503.

Irving W. Wilson, Jr.,

Departmental Reports Management Officer.

[FR Doc. 90–16394 Filed 7–12–90; 8:45 am]

BILLING CODE 4830–01–M

Public Information Collection Requirements Submitted to OMB for Review

Date: July 5, 1990.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Public Law 96–511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the

Treasury, room 3171 Treasury Annex, 1500 Pennsylvania Avenue NW., Washington, DC 20220.

Internal Revenue Service

OMB Number: New.

Form Number: None.

Type of Review: New collection.

Title: Appeals Customer Service/ Quality Initiative Baseline Survey.

Description: The data collected will be used to (1) determine the taxpayer's perceptions of the Appeals Office's quality of customer service and (2) to develop initial baseline measurements of customer satisfaction with the service provided by Appeals.

Respondents: Individuals or households.

Estimated Number of Responses: 2,000.

Estimated Burden Hours Per Respondent: 20 minutes.

Frequency of Response: Other (One-Time Survey).

Estimated Total Reporting/ Recordkeeping Burden: 660 hours.

OMB Number: 1545–0074.

Form Number: IRS Form 1040 and Schedules A, B, C, D, D–1, E, F, R, and SE (Short and Long).

Type of Review: Revision.

Title: U.S. Individual Income Tax Return.

Description: This form is used by Individuals to report their income tax and compute their correct tax liability. The data is used to verify that the items reports on the form are correct and are also for general statistical use.

Respondents: Individuals or households.

Estimated Number of Responses/ Recordkeepers: 73,593,000.

ESTIMATED BURDEN HOURS PER RESPONDENT/RECORDKEEPER

Form	Recordkeeping	Learning about the law or the form	Preparing the form	Copying, assembling, and sending the form to IRS
1040	3 hrs., 7 min	2 hrs., 32 min	3 hrs., 10 min	35 min.
Sch. A	2 hrs., 47 min	26 min	1 hr., 1 min	20 min.
Sch. B	33 min	8 min	16 min	20 min.
Sch. C	6 hrs., 13 min	1 hr., 4 min	1 hr., 56 min	25 min.
Sch. D	1 hr., 2 min	1 hr	1 hr., 8 min	35 min.
Sch. D–1	13 min	1 min	13 min	35 min.
Sch. E	2 hrs., 52 min	1 hr., 7 min	1 hr., 16 min	35 min.
Sch. F	9 hrs., 41 min	1 hr., 59 min	3 hrs., 52 min	35 min.
Sch. R	29 min	15 min	22 min	35 min.
Sch. SE:				
Short	20 min	11 min	13 min	14 min.
Long	26 min	22 min	37 min	20 min.

Frequency of Response: Annually.

Estimated Total Reporting/ Recordkeeping Burden: 1,165,063,793 hours.

OMB Number: 1545–0085.

Form Number: IRS Form 1040A and Schedules 1, 2, and 3.

Type of Review: Revision.

Title: U.S. Individual Income Tax Return.

Description: This form is used by individuals to report their income subject to income tax and to compute their correct tax liability. The data is used to verify that the income reported on the form is correct and is also for statistical use.

Respondents: Individuals or households.

Estimated Number of Respondents/ Recordkeepers: 18,634,000.

ESTIMATED BURDEN HOURS PER RESPONDENT/RECORDKEEPER

Form	Recordkeeping	Learning about the law or the form	Preparing the form	Copying, assembling, and sending the form to IRS
1040A	1 hr., 22 min	2 hrs., 29 min	3 hrs., 14 min	35 min.
Sch. 1	20 min	4 min	10 min	20 min.
Sch. 2	33 min	10 min	37 min	28 min.
Sch. 3	36 min	14 min	22 min	35 min.

Frequency of Response: Annually.

Estimated Total Reporting/ Recordkeeping Burden: 161,506,854 hours.

OMB Number: 1545–0890.

Form Number: IRS Form 1120–A.

Type of Review: Revision.

Title: U.S. Corporation Short-Form Income Tax Return.

Description: Form 1120–A is used by small corporations, those with less than $500,000 of income and assets, to compute their taxable income and tax liability. The IRS uses Form 1120–A to determine whether corporations have correctly computed their tax liability.

Respondents: Farms, Businesses or other for-profit, Small businesses or organizations.

Estimated Number of Responses/ Recordkeepers: 285,777.

Estimated Burden Hours Per Respondent/Recordkeeper:

Recordkeeping: 43 hrs., 17 min.

Learning about the law or the form: 24 hrs., 24 min.

Preparing the form: 42 hrs., 56 min.

Copying, assembling, and sending the form to IRS: 4 hrs., 50 min.

Frequency of Response: Annually.

Estimated Total Reporting/ Recordkeeping Burden: 32,995,812 hours.

Clearance Officer: Garrick Shear (202) 535–4297, Internal Revenue Service, room 5571, 1111 Constitution Avenue, NW., Washington, DC 20224.

OMB Reviewer: Milo Sunderhauf (202) 395–6880, Office of Management

and Budget, room 3001, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,

Departmental Reports Management Officer.

[FR Doc. 90-16395 Filed 7-12-90; 8:45 am]

BILLING CODE 4830-01-M

Customs Service

[T.D. 90-52]

Revocation of William A. Finn To Guage Imported Petroleum and Petroleum Products

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: Notice of revocation.

SUMMARY: Pursuant to a violation of § 151.13(b) of the Customs Regulations (19 CFR 151.13(b)), the approval to guage imported petroleum and petroleum products granted to Mr. William A. Finn, 1908 Naomi Street, Glassport, Pennsylvania 15045, has been revoked with prejudice for failure to meet bonding requirements.

Accordingly, the approval of William A. Finn to guage imported petroleum and petroleum products in all Customs districts is revoked.

EFFECTIVE DATE: July 13, 1990.

FOR FURTHER INFORMATION CONTACT: Donald A. Cousins, Office of Laboratories and Scientific Services, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, DC 20229 (202) 566-2446.

Dated: July 6, 1990.

John B. O'Loughlin,

Director, Office of Laboratories and Scientific Services.

[FR Doc. 90-16332 Filed 7-12-90; 8:45 am]

BILLING CODE 4820-02-M

Sunshine Act Meetings

Federal Register
Vol. 55, No. 135
Friday, July 13, 1990

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

FARM CREDIT ADMINISTRATION

Farm Credit Administration Board; Regular Meeting

SUMMARY: Notice is hereby given, pursuant to the Government in the Sunshine Act (5 U.S.C. 552b(e)(3)), that the August 7, 1990 regular meeting of the Farm Credit Administration Board (Board) will not be held and that a special meeting of the Board is scheduled for Wednesday, August 15, 1990, starting at 10 a.m. An agenda for this meeting will be published at a later date.

FOR FURTHER INFORMATION CONTACT: Curtis M. Anderson, Secretary to the Farm Credit Administration Board, (703) 883-4003, TDD (703) 883-4444.

ADDRESS: Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102-5090.

Dated: July 10, 1990.

Curtis M. Anderson,

Secretary, Farm Credit Administration Board.

[FR Doc. 90-16506 Filed 7-11-90; 12:32 pm]

BILLING CODE 6705-01-M

FEDERAL MARITIME COMMISSION

TIME AND DATE: 10:00 a.m., July 18, 1990.

PLACE: Hearing Room One, 1100 L Street, NW., Washington, DC 20573-0001.

STATUS: Open.

MATTER(S) TO BE CONSIDERED: Proposed Circular Letter on Tariff Filing Requirements for Through Transportation.

CONTACT PERSON FOR MORE INFORMATION: Joseph C. Polking, Secretary, (202) 523-5725.

Joseph C. Polking,

Secretary.

[FR Doc. 90-16488 Filed 7-11-90; 9:55 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM BOARD OF GOVERNORS

TIME AND DATE: 10 a.m., Wednesday, July 18, 1990.

PLACE: Marriner S. Eccles Federal Reserve Board Building, C Street entrance between 20th and 21st Streets, NW., Washington, DC 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
2. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452-3204. You may call (202) 452-3207, beginning at approximately 5 p.m. two business days before this meeting, for a recorded announcement of bank and bank holding company applications scheduled for the meeting.

Dated: July 10, 1990.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 90-16479 Filed 7-10-90; 4:30 pm]

BILLING CODE 6210-01-M

Corrections

Federal Register
Vol. 55, No. 135
Friday, July 13, 1990

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

DEPARTMENT OF COMMERCE

Bureau of Export Administration

15 CFR Part 771

[Docket No. 900646-0146]

Establishment of General License GCT; COCOM Trade

Correction

In rule document 90-14180 beginning on page 25083 in the issue of Wednesday, June 20, 1990, make the following corrections:

§ 771.25 [Corrected]

On page 25085, in the second column, in § 771.25(d), in the last line, the word "designed" should read "signed".

On the same page, in the third column, in § 771.25(e), in the fifth line, the word "destruction" should read "destination".

BILLING CODE 1505-01-D

DEPARTMENT OF JUSTICE

Office of Justice Programs

Training and Technical Assistance for Native American Children's Justice Act Grantees

Correction

In notice document 90-13295 beginning on page 23489 in the issue of Friday, June 8, 1990, make the following correction:

On page 23489, in the first column, under **EFFECTIVE DATE**, in the second line, "August 17" should read "August 7, 1990".

BILLING CODE 1505-01-D

Federal Register

Friday
July 13, 1990

Part II

Department of Education

Office of Educational Research and Improvement—Library Programs

Invitation To Apply for New Awards for Fiscal Year 1991; Library Services to Indian Tribes and Hawaiian Natives Program; Notice

DEPARTMENT OF EDUCATION

Office of Educational Research and Improvement—Library Programs

Invitation To Apply for New Awards for Fiscal Year 1991; Library Services to Indian Tribes and Hawaiian Natives Program

AGENCY: Department of Education.

ACTION: Notice inviting applications for new awards for fiscal year 1991.

SUMMARY: The Secretary invites applications for new awards for fiscal year 1991 and announces closing dates for the transmittal of applications under the Library Services to Indian Tribes and Hawaiian Natives Program—Basic Grants, Library Career Training Program, Strengthening Research Library Resources Program, Library Literacy Program, College Library Technology and Cooperation Grants Program, Library Research and Demonstration Program, and Library Services to Indian Tribes and Hawaiian Natives Program—Special Projects Grants.

Organization of Notice. This notice contains two sections. Section I includes a chart listing closing dates in chronological order, and other pertinent information about programs covered by this notice. Section II consists of the individual application announcements for each program.

SUPPLEMENTARY INFORMATION: All programs announced in this notice, with the exception of the Library Services to Indian Tribes and Hawaiian Natives Program, including both Basic Grants and Special Projects Grants, are subject to the requirements of Executive Order 12372, Intergovernmental Review of Federal Programs. Information regarding applicable procedures under this order will be included in the application packages.

Note: Final regulations affecting 34 CFR Parts 769, 771, and 772 will be published on July 16, 1990.

Any institution of higher education that wishes to apply for funds under one of the programs authorized by title II of the Higher Education Act (HEA) (20 U.S.C. 1021 *et seq.*) must be an eligible institution under the terms of 20 U.S.C. 1201(a). If you wish to apply to the Department of Education for a determination of institutional eligibility, you may contact: Ms. Lois Moore, U.S. Department of Education, Office of Postsecondary Education, DCMAS, Division of Eligibility and Certification, 400 Maryland Avenue SW., Washington, DC 20202, (202) 708–4913.

DATES: The closing dates for transmitting applications under this notice are listed in section I of this notice.

ADDRESSES: The addresses for obtaining applications for, or further information about, individual programs or competitions are in the respective announcements for those programs contained in section II of this notice.

SECTION I.—PROGRAMS AND CLOSING DATES FOR LIBRARY PROGRAMS

Title of Program and CFDA Number	Applications available	Deadline for transmittal of applications	Deadline for intergovernmental review	Tentative award date	Estimated available funds	Estimated range of awards	Estimated size of awards	Estimated number awards	Project period in months
Library Services to Indian Tribes and Hawaiian Natives Program–Basic grants (84.163A)	8/15/90	10/02/90	12/03/90 (Hawaiian natives only)	1/31/91	$900,000–Indian tribes 600,000–Hawaiian natives	NA	$5,300–Indian Tribes	170	12
Library Career Training Program–Fellowship awards (84.036B)	8/23/90	10/10/90	12/10/90	2/08/91	400,000	10,800–64,000	14,800	30	12
Strengthening Research Library Resources Program (84.091A)	8/22/90	10/29/90 12/03/90	12/28/90	6/28/91	5,038,000	40,000–500,000	163,000	30	12
Library Literacy Program (84.167A)	9/07/90	11/09/90	1/09/91	5/31/91	8,365,000	1,000–35,000	30,000	278	12
College Library Technology and Cooperation Grants Program (84.197A)	11/01/90	1/14/91	3/11/91	8/09/91	3,432,000	15,000–225,000	A 49,000 B 95,000 C 28,000 D 102,000	46	12–36
Library Research and Demonstration Program (84.039A)	11/15/90	2/04/91	4/02/91	6/11/91	280,000	40,000–70,000	50,000	5	18
Library Services to Indian Tribes and Hawaiian Natives Program–Special projects grants (84.163B)	2/04/91	4/02/91	NA	8/19/91	900,000	25,000–160,000	65,000	11	12

Note: The Department is not bound by any estimates in this notice.

Section II—Application Notices

CFDA No. 84.163A—Library Services to Indian Tribes and Hawaiian Natives Program—Basic Grants (Library Services and Construction Act, Title IV)

Purpose: Provides basic grants to eligible Indian tribes and to eligible Hawaiian native organizations to establish or improve public library services for Indian tribes and Hawaiian natives.

Applicable Regulations: (a) The Basic Grants to Indian Tribes and Hawaiian Natives Program Regulations in 34 CFR part 771; and (b) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74 (for grants to Hawaiian native organizations), 75, 77, 79 (for grants to Hawaiian native organizations), 80, 81, 82, and 85.

For Applications or Information Contact: Ray M. Fry, Acting Director, or Beth Fine, Program Officer, Library Development Staff, Office of Library Programs, U.S. Department of Education, 555 New Jersey Avenue, NW., room 404, Washington, DC 20208–5571. Telephone: (202) 357–6315 or 357–6323, respectively.

Authority: 20 U.S.C. 351 *et seq.*

CFDA No. 84.036—Library Career Training Program—Fellowships and Institutes (Higher Education Act, Title II, Part B)

Purpose: Provides grants to train persons in librarianship through fellowships, institutes, and traineeships.

Applicable Regulations: (a) The Library Career Training Program Regulations in 34 CFR part 776; and (b) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 79, 80, 82, and 85.

Priorities: In accordance with § 776.5 of the program regulations, each year the Secretary may select one or more of the program's six established priorities and allocate funds to each selected priority. These priorities apply to fellowships. For fiscal year 1991, the Secretary has established the following absolute priorities:

(a) To train or retrain library personnel in areas of library specialization where there are currently shortages, such as science reference librarians, children's and young adult services librarians, and technology specialists; and

(b) To increase excellence in library education by encouraging study in librarianship and related fields at the doctoral level.

Under 34 CFR 75.105(c)(3), an application that meets one or more of the designated priorities will be funded before applications that do not meet the priorities.

For Applications or Information Contact: Ray M. Fry, Acting Director, or Yvonne B. Carter, Program Officer, Library Development Staff, Office of Library Programs, U.S. Department of Education, 555 New Jersey Avenue NW., room 404, Washington, DC 20208–5571. Telephone (202) 357–6315 or 357–6320, respectively.

Authority: 20 U.S.C. 1021 *et seq.*

CFDA No. 84.091—Strengthening Research Library Resources Program (Higher Education Act, Title II, Part C).

Purpose: Provides grants to the Nation's major research libraries to maintain and strengthen their collections and make their holdings available to other libraries whose users have need for research materials.

Applicable Regulations: (a) The Strengthening Research Library Resources Program Regulations in 34 CFR part 778; and (b) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 79, 80, 82, and 85.

For Applications or Information Contact: Ray M. Fry, Acting Director, Louise Sutherland or Linda Loeb, Program Officers, Library Development Staff, Office of Library Programs, Department of Education, 555 New Jersey Avenue, NW., room 404, Washington, DC 20208–5571. Telephone (202) 357–6315, 357–6322 or 357–6902, respectively.

Authority: 20 U.S.C. 1021 *et seq.*

CFDA No. 84.167—Library Literacy Program (Library Services and Construction Act, Title VI)

Purpose: Provides grants to State and local public libraries to support literacy projects. Grants may not exceed $35,000.

Applicable Regulations: (a) The Library Literacy Program Regulations in 34 CFR part 769; and (b) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 75, 77, 79, 80, 81, 82, and 85.

For Applications or Information Contact: Ray M. Fry, Acting Director, Carol Cameron or Barbara Humes, Program Officers, Library Development Staff, Office of Library Programs, U.S. Department of Education, 555 New Jersey Avenue NW., room 404, Washington, DC 20208–5571. Telephone (202) 357–6315, 357–6321, or 357–6376, respectively.

Authority: 20 U.S.C. 351 *et seq.*

CFDA No. 84.197—College Library Technology and Cooperation Grants Program (Higher Education Act, Title II, Part D)

Purpose: To encourage resource-sharing projects among the libraries of institutions of higher education through the use of technology and networking, to improve the library and information services provided to them by public and nonprofit private organizations, and to conduct research or demonstration projects to meet special needs in using technology to enhance library and information sciences.

Applicable Regulations: (a) The College Library Technology and Cooperation Grants Program Regulations in 34 CFR part 779; and (b) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 79, 80, 82, and 85.

For Applications or Information Contact: Ray M. Fry, Acting Director, or Neal Kaske, Program officer, Library Development Staff, Office of Library Programs, U.S. Department of Education, 555 New Jersey Avenue NW., room 404, Washington, DC 20208–5571. Telephone (202) 357–6315, or 357–6871, respectively.

Authority: 20 U.S.C. 1021 *et seq.*

CFDA No. 84.039—Library Research and Demonstration Program (Higher Education Act, Title II, Part B)

Purposes: Provides grants to institutions of higher education and other public or private agencies, institutions, and organizations for research and demonstration programs related to the improvement of libraries, training/in librarianship, and the dissemination of information derived from such projects.

Applicable Regulations: (a) The Library Research and Demonstration Program Regulations in 34 CFR part 777; and (b) The Education Department General Adminstrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 79, 80, 82, and 85.

Priorities: For fiscal year 1991, the Secretary particularly invites applications that meet the following priorities:

(a) *Role of Libraries in Dissemination of Information.* What is the role of libraries in dissemination? How is a changing society affecting the role of libraries, in disseminating information? How is the role of libraries affecting society? What are the economic, psychological, and social factors influencing information needs? What are the factors that influence the packaging and delivery of information to meet those needs?

(b) *Expanding Information Networks.* What is the impact of information networks on local, State, or national organizations, institutions, agencies, or communities? What elements drive the production of information for these networks; are elements different in public and private sectors?

These priorities were developed in consultation with researchers, practitioners, civic and business leaders, policymakers, and professional associations, all of whom participated in a series of meetings sponsored by the Department to identify "Issues in Library Research—Proposals for the Nineties."

However, under 34 CFR 75.105(c)(1), an application that meets these invitational priorities does not receive competitive or absolute preference over other applications.

For Applications or Information Contact: Ray M. Fry, Acting Director, or Yvonne B. Carter, Program Officer, Library Development Staff, Office of Library Programs, U.S. Department of Education, 555 New Jersey Avenue NW., room 404, Washington, DC 20208–5571. Telephone (202) 357–6315 or 357–6320, respectively.

Authority: 20 U.S.C. 1021 *et seq.*

CFDA No. 84.163B—Library Services to Indian Tribes and Hawaiian Natives Program—Special Projects Grants (Library Services and Construction Act, Title IV)

Purpose: This program makes competitive awards to eligible Indian tribes to establish or improve public library services. All available funds for library services to Hawaiian natives are awarded through the Library Services to Indian Tribes and Hawaiian Natives Program—Basic Grants (CFDA No. 84.163A).

Applicable Regulations: (a) The special Projects Grants to Indian Tribes and Hawaiian Natives Program Regulations in 34 CFR part 772; and (b) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74 (for grants to Hawaiian native organizations), 75, 77, 79 (for grants to Hawaiian native organizations), 80, 81, 82, and 85.

For Applications or Information Contract: Ray M. Fry, Acting Director, or Beth Fine, Program Officer, Library Development Staff, Office of Library Programs, U.S. Department of Education, 555 New Jersey Avenue NW., room 404, Washington, DC 20208–5571. Telephone (202) 257–6315 or 357–6323, respectively.

Authority: 20 U.S.C. 351 *et seq.*

Dated: July 6, 1990.

Christopher T. Cross,

Assistant Secretary.

[FR Doc. 90–16362 Filed 7–12–90; 8:45 am]

BILLING CODE 4000–01–M

Friday
July 13, 1990

Part III

Department of Housing and Urban Development

Delegation and Redelegation of Authority, Caribbean Office; Notices

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

[Docket No. D-90-925; FR2832-D-01]

Delegation of Authority to Regional Administrator in Region IV (Atlanta) With Respect to HUD's Caribbean Office

AGENCY: Office of the Secretary, HUD.

ACTION: Notice of delegation of authority.

SUMMARY: In furtherance of the transfer of oversight jurisdiction over the Caribbean Office from Region II (New York) to Region IV (Atlanta) (55 FR 3273, January 31, 1990), this notice announces a delegation of authority to the Regional Administrator-Regional Housing Commissioner and Deputy Regional Administrator of Region IV with respect to the Caribbean Office.

EFFECTIVE DATE: May 1, 1990.

FOR FURTHER INFORMATION CONTACT: Edwin I. Gardner, Deputy Under Secretary for Field Coordination, Department of Housing and Urban Development, Washington, DC 20410, 202-708-2426. [This is not a toll-free number.]

SUPPLEMENTARY INFORMATION: On January 31, 1990 (55 FR 3273), the Department published a Notice of Proposed Change in Jurisdictional Responsibility for the oversight of the Commonwealth of Puerto Rico and the Virgin Islands to Region IV (Atlanta) from Region II (New York). The stated effective date was May 1, 1990. That transfer of jurisdictional responsibility having occurred, this Notice of Delegation of Authority carries out the transfer with respect to the change in programmatic and management authorities.

Authority Delegated

1. All outstanding authority heretofore delegated to the Regional Administrator-Regional Housing Commissioner and the Deputy Regional Administrator in Region II (New York) with respect to the Caribbean Office is hereby delegated to the Regional Administrator-Regional Housing Commissioner and the Deputy Regional Administrator in Region IV (Atlanta).

2. The Regional Administrator-Regional Housing Commissioner for Region IV may redelegate to any HUD employee any authority delegated by this Notice.

Dated: July 2, 1990.

Alfred A. DelliBovi,

Under Secretary.

[FR Doc. 90-16369 Filed 7-12-90; 8:45 am]

BILLING CODE 4210-32-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Regional Administrator-Regional Housing Commissioner

[Docket No. D-90-926; FR2833-D-01]

Redelegation of Authority to Caribbean Office

AGENCY: Department of Housing and Urban Development (HUD), Office of the Regional Administrator-Regional Housing Commissioner, Region IV (Atlanta).

ACTION: Notice of redelegation of authority.

SUMMARY: In furtherance of the transfer of oversight jurisdiction over the Caribbean Office from Region II (New York) to Region IV (Atlanta) (55 FR 3273, January 31, 1990), this Notice announces redelegation of authority to the Caribbean Office.

EFFECTIVE DATE: May 1, 1990.

FOR FURTHER INFORMATION CONTACT: Raymond C. Buday, Jr., Regional Counsel, Atlanta Regional Office, Department of Housing and Urban Development, room 676, Richard B. Russell Federal Building, 75 Spring Street SW., Atlanta, Georgia 30303-3344, 404-331-4130. [This is not a toll-free number.]

SUPPLEMENTARY INFORMATION: On January 31, 1990 (55 FR 3273), the Department published a Notice of Proposed Change in Jurisdictional Responsibility for the oversight of the Commonwealth of Puerto Rico and the Virgin Islands to Region IV (Atlanta) from Region II (New York). The stated effective date was May 1, 1990. That transfer of jurisdictional responsibility having occurred, this Notice of Redelegation of Authority carries out the transfer with respect to the change in programmatic and management authorities. It is issued pursuant to delegation of authority issued by the Secretary elsewhere in today's issue of the Federal Register.

Authorities Redelegated

1. All outstanding authorities heretofore redelegated to specified positions in the Caribbean Office by Region II or by other authorized officials are hereby redelegated to the same positions.

2. All outstanding authorities heretofore redelegated to specified positions in Region IV are hereby redelegated to officials holding the same identified positions in the Caribbean Office, to the extent such authorities are not otherwise redelegated above.

Dated: June 19, 1990.

Raymond A. Harris,

Regional Administrator-Regional Housing Commissioner.

[FR Doc. 90-16370 Filed 7-12-90; 8:45 am]

BILLING CODE 4210-01-M

federal register

Friday
July 13, 1990

Part IV

Department of Education

Office of Special Education Programs

Notice Inviting Applications for New Awards Under Training

DEPARTMENT OF EDUCATION

Office of Special Education Programs

[CFDA No. 84.029]

Notice Inviting Applications for New Awards Under Training Personnel for the Education of the Handicapped for Fiscal Year 1991

AGENCY: Department of Education.

PURPOSE OF PROGRAM: This program serves to increase the quantity and improve the quality of personnel available to serve infants, toddlers, children, and youth with handicaps through the provision of awards to support the preservice training of personnel for careers in special education and early intervention in special education teaching, related services, supervision and administration, research, and early intervention; and through support of special projects designed to develop and demonstrate new approaches for preservice and inservice training. The program also includes separate components for support of parent training and information projects and training by State educational agencies.

Note: The estimates of funding levels and awards in this notice do not bind the Department of Education to a specific level of funding or number of grants, unless the amount is otherwise specified by statute or regulation.

TRAINING PERSONNEL FOR THE EDUCATION OF THE HANDICAPPED

[Application Notice for Fiscal Year 1991]

Title and CFDA No.	Deadline for transmittal of applications	Deadline for intergovernmental review	Available funds	Estimated range of awards (per year)	Estimated size of awards (per year)	Estimated number of awards	Project period in months
Parent Training and Information Centers (84.029M)	10/09/90	11/09/90	1,500,000	110,000–175,000	125,000	13	Up to 60.
Preparation of Leadership Personnel (84.029D)	10/09/90	12/08/90	2,000,000	75,000–125,000	100,000	20	Up to 60.
Special Projects (84.029K)	10/09/90	12/08/90	1,250,000	75,000–125,000	100,000	12	Up to 60.
Grants to State Education Agencies and Institutions of Higher Education (84.029H)	03/12/91	05/11/91	7,100,000	75,000–348,052	125,000	57	36.

Priorities

CFDA 84.029M—*Parent Training and Information Centers*

This priority supports grants to parent organizations for the purpose of providing training and information to parents of children and youth with handicaps and to persons who work with parents, to enable parents to participate more fully and effectively with professionals in meeting the educational needs of their children and youth.

CFDA No. 84.029M—*Preparation of Leadership Personnel*

This priority supports projects under 34 CFR 318.3 (b) and (c) that are designed to provide preservice doctoral and post-doctoral preparation of professional personnel such as administrators, supervisors, researchers, and teacher trainers.

CFDA No. 84.029K—*Special Projects*

This priority supports projects for the preservice and inservice activities specified in 34 CFR 318.3(a).

These include development, evaluation, and distribution of innovative approaches to personnel preparation: development of materials to prepare personnel to educate or provide early intervention services to infants, toddlers, children, and youth with handicaps; and other projects of national significance for the preparation of personnel needed to serve infants, toddlers, children, and youth with handicaps.

CFDA No. 84.029H—*Grants to State Educational Agencies and Institutions of Higher Education*

The Secretary funds a mandatory State grant program to assist State educational agencies in establishing and maintaining preservice and inservice training programs that prepare personnel or their supervisors, to serve infants, toddlers, children, and youth with handicaps.

Any activities assisted under this program must be consistent with the personnel needs identified in the State's comprehensive systems of personnel development under sections 613 and 676(b)(8) of the EHA.

Based on a distribution of funds in accordance with the national child count formula under 34 CFR 319.20(a)(1) with a minimum allocation of $75,000, as provided in 34 CFR 319.20(a)(2), individual State allocations are:

Alabama	$87,821
Alaska	75,000
Arizona	75,000
Arkansas	75,000
California	366,816
Colorado	75,000
Connecticut	75,000
Delaware	75,000
District of Columbia	75,000
Florida	176,928
Georgia	75,000
Hawaii	80,042
Idaho	75,000
Illinois	209,692
Indiana	93,470
Iowa	75,000
Kansas	75,000
Kentucky	75,000
Louisiana	75,000
Maine	75,000
Maryland	76,155
Massachusetts	128,072
Michigan	139,159
Minnesota	75,000
Mississippi	75,000
Missouri	85,658
Montana	75,000
Nebraska	75,000
Nevada	75,000
New Hampshire	75,000
New Jersey	148,902
New Mexico	75,000
New York	250,746
North Carolina	97,097
North Dakota	75,000
Ohio	170,633
Oklahoma	75,000
Oregon	75,000
Pennsylvania	181,763
Rhode Island	75,000
South Carolina	75,000
South Dakota	75,000
Tennessee	86,970
Texas	275,882
Utah	75,000
Vermont	75,000
Virginia	99,194
Washington	75,000
West Virginia	75,000
Wisconsin	75,000
Wyoming	75,000
Puerto Rico	75,000
American Samoa	75,000
Guam	75,000
Northern Marianas	75,000
Republic of Palau	75,000
Virgin Islands	75,000

In addition to the basic grant, States may be awarded up to $50,000 (per State) in additional funds based on the quality of their application as

determined by the selection criteria in 34 CFR 319.22.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) 34 CFR parts 74, 75, 77, 79, 80, 81, 82, and 85; (b) the regulations for Training Personnel for the Education of the Handicapped—Parent Training and Information Centers (CFDA 84.029M), 34 CFR part 316; (c) the regulations for Training Personnel for the Education of the Handicapped—Careers in Special Education and Early Intervention (CFDA 84.029D and 84.029K), 34 CFR part 318; and (d) the regulations for Training Personnel for the Education of the Handicapped—Grants to State Educational Agencies and Institutions of Higher Education (CFDA 84.029H), 34 CFR part 318 (55 FR 194–197, Jan. 3, 1990).

FOR FURTHER INFORMATION CONTACT: Angele Thomas, Division of Personnel Preparation, Office of Special Education Programs, 400 Maryland Avenue SW., (Switzer Building, room 3517–M.S. 2313), Washington, DC 20202. Telephone: Angele Thomas (202) 732–1100.

Dated: July 3, 1990.

Robert R. Davila,

Assistant Secretary, Office of Special Education and Rehabilitative Services.

[FR Doc. 90–16400 Filed 7–12–90; 8:45 am]

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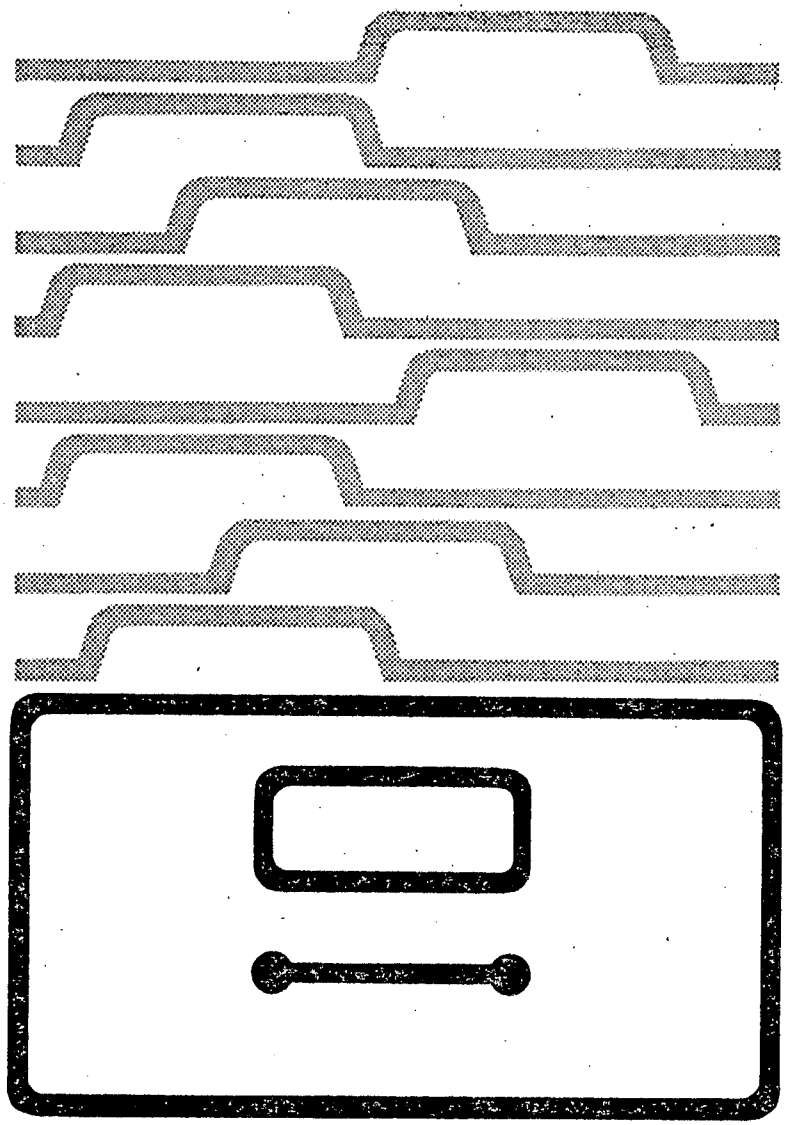

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in the Code of Federal Regulations (CFR)

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